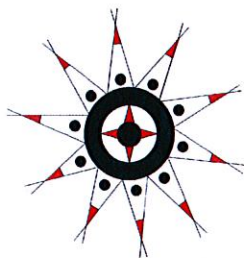


**UNITED SIOUX TRIBES  
DEVELOPMENT CORPORATION**

P.O. Box 1193  
Pierre, SD 57501



\* Standing Rock    \* Crow Creek  
\* Lower Brule    \* Oglala  
\* Spirit Lake    \* Cheyenne River  
\* Flandreau-Santee    \* Sisseton-Wahpeton  
\* Rosebud    \* Yankton  
\* Santee Sioux

Administration (605) 945-3075  
Employment Assistance (605) 945-3074  
Workforce Investment Act (605) 224-8865  
Project Management (605) 945-4374  
Business Office (605) 224-8864  
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**Rapid City Field Office**  
P.O. Box 2187  
Rapid City, SD 57709  
Telephone: (605) 343-1100  
Facsimile: (605) 343-4474

March 14, 2010

**Clarence W. Skye  
Executive Director**

**United Sioux Tribes Development Corporation**

**Testimony before the U.S. House of Representatives, Committee on Appropriations,  
Subcommittee on Interior, Environment and Related Agencies for FY 2011 Budget**

Good afternoon Chairman James Moran (D-VA), ranking member Michael Simpson (R-ID), and honorable members of the U.S. House of Representatives, Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies. Allow me to recognize important changes within the subcommittee by offering my congratulations to Chairman Moran on his recent selection as the chairman, and to offer my best wishes to former Chairman Norm Dicks (D-WA). The tradition of allowing Public Witness Testimony on Native American Issues by the Subcommittee Chairman is an important venue for tribes and tribal organization nationwide. As the Executive Director of the United Sioux Tribes Development Corporation, my staff and I serve tribal leaders from eleven *Lakota-Nakota-Dakota* (Sioux) tribes in North Dakota, South Dakota and Nebraska. I respectfully offer this testimony to the subcommittee for Fiscal Year (FY) 2011. Interior, Environment and Related Agencies Appropriations. A summary of the United Sioux Tribes Development Corporation's (USTDC) FY 2011 funding request is as follows:

**Department of the Interior, Bureau of Indian Affairs, Programs and Funding Requests**

1. To authorize and appropriate \$1.2 million for the **Indian Jobs Placement Program-United Sioux Tribes Development Corporation** (CFDA No.15.061) or otherwise listed as the United Sioux Tribes' Employment Assistance Program; and
2. To authorize and appropriate \$1.2 million for the **National Tribal Cultural Resources Database Program**.

**Early History of the United Sioux Tribes**

The United Sioux Tribes is the oldest *Lakota-Nakota-Dakota* (Sioux) tribal organization of the Great Plains. We are a non-profit 501 (c)(3) inter-tribal corporation chartered by the Sioux Chairmen, Presidents and Tribal Chairs. Our organization is dated to 1952, when concerns over federal Indian policy changes began with the formulation of House Concurrent Resolution 108, which passed on August 1, 1953. Shortly thereafter, the 83<sup>rd</sup> Congress enacted Public Law (P.L.) 83-280 on August 15, 1953, starting the termination of 109 American Indian tribes. The law was amended with a provision to require tribal consent in 1968; however, the United Sioux Tribes confronted and successfully defeated termination through a statewide referendum vote, which triumphed the enactment of P.L. 83-280 by the South Dakota State Legislature on November 3,



1964. 1 United Sioux Tribes is the oldest *Lakota-Nakota-Dakota* tribal organization in the Great Plains, having been incorporated in the State of South Dakota on May 19, 1970.

### **Office of the Executive Director**

The Board of Directors that constitute the United Sioux Tribes Development Corporation (USTDC) consists of eleven Sioux Chairmen, Presidents and Tribal Chairs; however, our membership excludes the four Sioux tribes in Minnesota, one Assiniboine/Sioux or Fort Peck Tribes in Montana, and the Canadian Sioux tribes. The first Chairman of the United Sioux Tribes upon our incorporation was Franklin Ducheneaux, Sr., former Chairman of the Cheyenne River Sioux Tribe (1969-1970). Chairman Ducheneaux and the first board of directors selected me to serve as the Executive Director. Except for a brief foray in the Bureau of Indian Affairs in 1975, Social Security Administration and the Civil Service Commission in 1976, I served as the Executive Director for almost forty years.

### **Federal Indian Policies**

I observed the change of eight U.S. Presidents and their Federal Indian Policies or lack of policies. The late President Richard M. Nixon, for the record, provided the greatest relief in terms of policies and programs for all Native Americans, nationwide. Despite turmoil of the Vietnam War (1959-1975), President Nixon introduced present policies of Native American self-determination, halting the termination of over 109 tribes in an address to Congress on July 8, 1970. President Nixon created a Federal Indian Policy Statement, which was supported by the policies of the late President Ronald Reagan, changing how federal agencies interact with tribal government. The United Sioux Tribes was crucial in developing the Indian Self-Determination and Educational Assistance Act of 1975 with the Nixon and Ford administrations, and members of Congress. In fact, I possess an old photograph of former Chairman of the Subcommittee, Norm Dicks, assisting Sioux tribal leaders and me in an appropriations hearing following his appointment to the House Committee on Appropriations beginning in 1976. I took the picture. We are older now.

### **Indian Jobs Placement Program**

Our discussion at the appropriations hearing involved Public Law 93-638, as amended, and the Indian Jobs Placement Program (15.061), which was eliminated in the President's budget during the Clinton administration. Ironically, my sister-in-law, Ada Deer, was the Assistant Secretary-Indian Affairs, on that occasion. The Indian Jobs Placement Program -United Sioux Tribes began when Bureau of Indian Affairs (BIA) Indian commissioner, Glenn L. Emmons, initiated the relocation program in 1948; and by 1960 over 33,466 Native Americans were relocated.<sup>2</sup> The jobs program was one of many Indian programs created to assist our urban Indian population. Kendal Johnson, Acting Chief, Census 2010 Publicity Office, stated that *64.1 percent of Native Americans reside off the reservation*.<sup>3</sup> Technically, Congressional obligations reside with tribes through federal trust responsibilities and treaty obligations; however, where do

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1 Wilkinson, Charles, 2005. *Blood Struggle: The Rise of Modern Indian Nations*. W.W. Norton & Company, New York, New York, p. 124.

2 The Newberry Library. Inventory of the Bureau of Indian Affairs Indian Relocation Records, 1936-1975, bulk 1956-1958. Chicago, IL, <http://www.newberry.org/collections/FindingAids/relocation/Relocation.html> (accessed on March 15, 2010).

3 Johnson, Kendall. 2009. C2PO. 2010 Census Integrated communication Research Memoranda Series, No. 6. U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau. November 10. p. 6.

moral obligations lie for failed federal policies, programs and statutes? Consider Elouise Cobell who questioned key officials about the mismanagement of Individual Indian Money (IIM) accounts in 1994. She was ignored. Cobell filed a Class Action Lawsuit with 500,000 American Indian landowners on June 10, 1996. Millions of federal dollars were diverted away from Indian Country and lost in litigation, including the time of Congress and staff members attempting to resolve the lawsuit such as Senator McCain's Senate Bill 1439 and the Senate Committee on Indian Affairs. Let us take action. The last international incident draw attention to Native American concerns was the Wounded Knee Incident of 1973.

#### **Indian Jobs Placement Program (CFDA 15.061)-United Sioux Tribes**

***I respectfully request \$1.2 million dollars from the subcommittee to include funding for the Indian Jobs Placement Program-United Sioux Tribes (CFDA 15.061).*** The United Sioux Tribes testified before the subcommittee in 2008, and submitted testimony in 2009. Today, I am testifying on this important program. North Dakota Governor John Hoeven (R-ND), and South Dakota Governor Michael Rounds (R-SD) issued letters of support in 2006. The Honorable Joseph Brings Plenty, Chairman of the Cheyenne River Sioux Tribe, made a request to the subcommittee in 2007 to fund the program. In 2010, U.S. Representative Stephanie Herseth-Sandlin (D-SD) and U.S. Senator Tim Johnson (D-SD) requested funding for this program to the appropriations committee, respectively. The South Dakota State Legislature approved House Concurrent Resolution 1010, which asked Congress to include the Indian Jobs Placement Program-United Sioux Tribes in the Interior appropriations on February 25, 2009. The program offers job placement, job referral services, education assistance, direct employment activities and other features to Indian people working on or off the reservation; however, United Sioux Tribes core services are for urban Indians and tribes supported to serve off reservation needs under a Bureau of Indian Affairs Johnson -O' Malley contract back in 1972. Since then the BIA choose to contract the Employment Assistance Program with the United Sioux Tribes Development Corporation under P.L. 93-638 Self-Determination and Education Assistance Act of 1976

#### **National Tribal Cultural Resources Database**

The United Sioux Tribes is working with the U.S. Geological Survey (USGS) toward reauthorizing a memorandum of understanding signed on October 27, 2004, to develop a working relationship for developing geographical information systems, information technology, natural resource research and training, and sharing science data and facilities. We anticipate supporting the database with the Indian Jobs Placement Program-United Sioux Tribes to maximize opportunities for Native Americans in information technology and other high-tech fields; therefore, ***I respectfully request \$1.2 million be included in the Bureau of Indian Affairs budget for the National Tribal Cultural Resources Database.*** The impetus behind the database is Executive Order 13175, which was signed on November 6, 2000 by former U.S. President William Jefferson Clinton. The executive order requires the heads of all departments to provide government-to-government consultation and coordination with Indian tribal governments. Also, the executive order removes the Bureau of Indian Affairs as the lead agency in federal trust responsibilities, and creates an unfunded mandate with Indian tribal governments. For example, if federal land and resource management agencies consult with tribes on activities that lie within their traditional cultural properties, then how do tribal governments validate or counter the assertions made by these federal agencies? Tribes possess nothing in many cases. If tribes intend to access the database, then they may be protected from the Freedom of Information Act

under Public Law 110-246, Sections 8106. The Flandreau-Santee Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska passed a resolution agreeing to participate in an initial demonstration project. The South Dakota State Legislature urges Congress to include funding for the National Tribal Cultural Resources Database in House Current Resolution 1011, which passed the bicameral legislative body on February 25, 2009. Briefly, the database supports tribal cultural resource management and utilizes remote sensing or Digital Orthographic Quadrangles (DOQ). The DOQ data is simply aerial photography, which undergoes a mathematical process to adjust for camera tilt and topographical variations in the surface of the earth. Furthermore, this project would be contracted from the Bureau of Indian Affairs under P.L. 93-638 Self-determination and Education Assistance Act to the United Sioux Tribes Development Corporation yearly.

### **Conclusion**

Please allow me to thank the House of Representatives, Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies for this opportunity to present this testimony. Thank you Chairman Moran, former Chairman Dicks, Ranking Member Simpson, and members of the subcommittee.



**Testimony of Andrew Joseph, Jr.  
The Northwest Portland Area Indian Health Board**

**Before:**

**House Subcommittee on Interior, Environment, and Related Agencies  
Public Witness Hearing  
April 15, 2010**

Good morning Chairman Moran, Ranking Member Simpson, and members of the Subcommittee. On behalf of the Northwest Portland Area Indian Health Board, I thank you for this opportunity to provide testimony on the Indian Health Service (IHS) budget. Established in 1972, NPAIHB is a P.L. 93-638 tribal organization that represents 43 federally recognized Tribes in the states of Idaho, Oregon, and Washington on health care issues.

For the past twenty years, our Board has conducted a detailed analysis of the Indian Health Service (IHS) budget. Our Annual IHS Budget Analysis and Recommendations report has become the authoritative document on the IHS budget. It is used by the Congress, the Administration, and national Indian health advocates to develop recommendations on the IHS budget. It is indeed an honor to present you with our recommendations.

### **Indian Health Disparities**

The Indian Health Care Improvement Act (IHCIA) declares that this Nation's policy is to elevate the health status of the AI/AN people to a level at parity with the general U.S. population. Over the last thirty years the IHS and Tribes have made great strides to improve the health status of Indian people through the development of preventative, primary-care, and community-based public health services. Examples are seen in the reductions of certain health problems between 1972-74 and 2000-2002: gastrointestinal disease mortality reduced 91 percent, tuberculosis mortality reduced 80 percent, cervical cancer reduced 76 percent, and maternal mortality reduced 64 percent; with the average death rate from all causes dropping 29 percent.<sup>1</sup>

While Tribes have been successful at reducing the burden of certain health problems, there is evidence that other types of diseases are on the rise for Indian people. For example, national data for Indian people compared to the U.S. all races rates indicate they are 638 percent more likely to die from alcoholism, 400 percent greater to die from tuberculosis, 291 percent greater to die from diabetes complications, 91 percent greater to die from suicide, and 67 percent more likely to die from pneumonia and influenza.<sup>2</sup> In the Northwest, stagnation in the data indicates a growing gap between the AI/AN death rates and those in the general population might be increasing. These data document that despite the considerable gains Tribes have made to address health disparities, that these gains are reversing and the health of Indian people could be getting worse.<sup>3</sup>

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<sup>1</sup> FY 2000-2001 Regional Differences Report, Indian Health Service, available: [www.ihs.gov](http://www.ihs.gov).

<sup>2</sup> Ibid.

<sup>3</sup> Please note findings in, *The Health of Washington State: A Statewide Assessment of Health Status, Health Risks, and Health Care Services*, December 2007. Available: <http://www.doh.wa.gov/hws/HWS2007.htm>.



### Recommendation: Restore lost Purchasing Power to the IHS Budget

The fundamental budget principle for Northwest Tribes is that the basic health care program must be preserved by the President's budget request. Our analysis of the IHS budget indicates it will take \$474 million to maintain current services in FY 2011. While the President's request is adequate to cover most mandatory costs, an additional \$120 million is needed to fully fund contract support costs, medical inflation, and population growth. Our analysis indicates the over the last ten years that the IHS budget has lost over \$509 million in lost purchasing power due to unfunded medical inflation and population growth. The sizeable increase received in FY 2010 restored over \$200 million in lost funding to the IHS budget. This type of sizeable increase is needed to continue to restore the lost purchasing power of the IHS budget and to allow Tribes to address the significant health disparities that exist in Tribal communities. If they are not funded IHS and Tribes have no alternative but to cut the level of health care services in order to absorb these mandatory cost requirements. We strongly urge the Congress to work with the Administration to restore this lost purchasing power in FY 2011.

IHS Budget FY 2002 to FY 2010 Unfunded Inflation and Population Growth					
Fiscal Year	Inflation	Population Growth	Total Mandatory Costs	Approved IHS Budget Increase	Unfund Mandatory Costs
FY 2002	\$128,068	\$55,204	\$183,272	\$129,326	\$53,946
FY 2003	140,650	57,920	\$198,570	91,569	\$107,001
FY 2004	124,063	59,843	\$183,906	72,053	\$111,853
FY 2005	147,016	61,356	\$208,372	63,352	\$145,020
FY 2006	121,285	62,686	\$183,971	60,244	\$123,727
FY 2007	148,619	63,952	\$212,571	134,838	\$77,733
FY 2008	179,783	66,783	\$246,566	166,031	\$80,535
FY 2009	175,994	70,270	\$246,264	234,940	\$11,324
FY 2010	\$202,771	\$67,010	\$269,781	\$471,251	(\$201,470)
<b>TOTAL</b>	<b>\$1,368,249</b>	<b>\$565,024</b>	<b>\$1,933,273</b>	<b>\$1,423,604</b>	<b>\$509,669</b>
Source: NPaiHB Annual Budget Analysis Recommendations FY 2002 to FY 2010.					

### Per Capita Spending Comparisons

The most significant trend in the financing of Indian health over the past ten years has been the stagnation of the IHS budget. With exception of a notable increase of 9.2% in FY 2001 and last year's 14% increase, the IHS budget has not received adequate increases to maintain the costs of current services (inflation, population growth, and pay act increases). The consequence of this is that the IHS budget is diminished and its purchasing power has continually been eroded over the years. As an example, in FY 2009, we estimated that it would take at least \$513 million to maintain current services<sup>4</sup>. The final appropriation for the IHS was a \$235 million increase, falling short by \$278 million. This means that Tribes must absorb unfunded inflation and population growth by cutting health services.

The IHS Federal Disparity Index (FDI) is often used to cite the level of funding for the Indian health system relative to its total need. The FDI compares actual health care costs for an IHS beneficiary to those costs of a beneficiary served in mainstream America. The FDI uses actuarial methods that control for age, sex, and health status to price health benefits for Indian people using the Federal Employee Health Benefits (FEHB) plan, which is then used to make per capita health expenditure comparisons. It is estimated by the FDI, that the IHS system is funded at less than 60 percent of its total need.<sup>5</sup>

<sup>4</sup> FY 2009 IHS Budget Analysis & Recommendations, Northwest Portland Area Indian Health Board, March 17, 2008; available: [www.npaihb.org](http://www.npaihb.org).

<sup>5</sup> Level of Need Workgroup Report, Indian Health Service, available: [www.ihs.gov](http://www.ihs.gov).

### **FY 2011 IHS Budget Recommendations**

Our annual analysis estimates that it will take at least \$328 million to maintain current services for IHS programs in FY 2010. Add to this \$146.1 million in unpaid contract support costs (CSC) that the IHS owes Indian Self-Determination and Education Assistance Act (P.L. 93-638) contractors, brings the total increase needed in FY 2011 to \$474 million. While the President's budget provides adequate funding of \$354 million to cover inflation and population growth, its distribution within the IHS accounts will not maintain current services as proposed. Staffing new facilities and program expansions will absorb \$217 million leaving only \$137 million to cover our projected costs of \$328 million for inflation and population growth. This does not even consider the \$146.1 in CSC funding that is owed to Tribal contractors. NPAIHB recommends that the Subcommittee include an additional \$120 million for the IHS appropriation to fund uncompensated inflation, population growth, and the CSC shortfall owed Tribes.

<b>FY 2011 Current Service Requirements</b>	
<i>Mandatory Cost to Maintain Current Services</i>	<i>Increase needed</i>
Additional CHS inflation	\$ 80,273
Health Services Account Inflation (not including CHS)	\$187,431
Contract Support Costs Shortfall	\$146,100
Population Growth (estimated at 2.1%)	\$ 60,444
Total Mandatory Costs	\$474,248

#### Recommendations:

1. NPAIHB recommends that the Subcommittee provide an additional \$120 million to cover inflation, population growth, and CSC shortfall in the FY 2011 IHS appropriation. Alternatively, if additional funding cannot be provided than the Subcommittee should consider reallocating the President's \$354 increase among the sub-accounts so that the mandatory costs associated with medical inflation, population growth, CSC shortfall can be funded in FY 2011.
2. NPAIHB recommends that at least \$80.2 million be provided for the IHS Contract Service Program (CHS). The CHS program is extremely important for Northwest Tribes since the Portland Area does not have any hospitals and must rely on the CHS program for all specialty and inpatient care. Other parts of the IHS system have access to hospitals for specialty and inpatient care. The CHS program makes up 34% of the Portland Area budget and when less than adequate inflation and population growth increases are provided, Portland Area tribes are forced to cut health services to absorb these mandatory costs. Those IHS areas that have inpatient care can absorb CHS funding shortfalls more easily the CHS dependent areas with their larger size staffing packages and infrastructure. The Senate Committee on Indian Affairs' 2011 Views and Estimates letter highlights the fact that the unmet need in the CHS program is at least \$1 billion and certainly an additional \$80.2 million is justified.
3. Health care reform holds the potential to provide many AI/AN people with access to health care. Unfortunately, not all Tribes have the same capacity to provide health care services. This means that not all Indian people will benefit in health reform. This is a result of the varying levels of IHS funding, facilities infrastructure, staffing packages, and third-party collections used to provide health care services. Indian people located in CHS dependent



areas will be disadvantaged when it comes to health reform because they won't have the same access to health services as Indian people located in IHS areas that have inpatient hospitals. Because of this fact, funding provided from the Indian Health Care Improvement Fund and through CHS program increases must take into consideration the unique needs of CHS dependency. We recommend that Subcommittee monitor the IHS to make sure that resources are allocated carefully and fairly in the IHCIF and CHS program. Otherwise it will continue to perpetuate the inequities in the levels of health care that exist in the IHS system.

4. The IHS estimates that there is at least a \$2.6 billion backlog of facilities construction projects. For the last three years, the IHS National Budget Formulation Workgroup has recommended alternative forms of facilities construction should be funded. In FY 2010, the workgroup recommended that \$20 million be provided for an Area Distribution Fund (ADF). In FY 2011, the workgroup again recommended that \$140 million be provided for an ADF. Most recently, for the FY 2012 budget cycle, the workgroup has recommended that \$10 million be provided for the Small Ambulatory Grant program (SAP). Despite these recommendations in the budget consultation process, the IHS Congressional Justification has not included funding for alternative construction projects the last three years.

We respectfully request that Congress intervene since the IHS refuses to provide alternative facilities construction funding as recommended by Tribal consultation. We recommend that the Subcommittee provide \$40 million, out of the facilities construction funding, for the SAP program in FY 2011. This action is consistent with the IHS National Budget Formulation workgroup recommendations and supported nationally by Tribes.<sup>6</sup> We also note that in the FY 2012 Five Year funding plan, it includes \$40 million for the SAP. We recommend this begin sooner rather than later given the tremendous construction needs in Indian Country.

We further recommend that the Subcommittee include appropriations language directing the IHS to include a 50 percent staffing and equipment package in the SAP program, similar to those projects funded under Section 301(c) of the Indian Health Care Improvement Act (P.L. 94-437), in order to realign the IHS facilities construction programs so that it provides equal opportunities for Tribes across Indian Country.

5. We recommend that the Subcommittee provide an additional \$146.1 million to fund past year's CSC shortfalls that are owed to Tribes under P.L. 93-638. The well-documented achievements of the Indian self-determination policies have consistently improved service delivery, increased service levels, and strengthened Tribal governments, institutions, and services for Indian people. Every Administration since 1975 has embraced this policy and Congress has repeatedly affirmed it through extensive amendments to strengthen the Self-Determination Act in 1988 and 1994.
6. NPAIHB recommends that the Congress work to restore the \$509 million in lost purchasing power to the IHS budget over the last ten years by providing adequate budget increases in FY 2011.

We hope that you will be able to fund our recommendations and look forward to working with the Subcommittee on our request. Thank you for this opportunity to provide our recommendations on the FY 2011 IHS budget.

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<sup>6</sup> See FY 2010, FY 2011 and FY 2012 IHS National Budget Formulation Workgroup budget testimony submitted to the Indian Health Service and Department of Health and Human Services, at the annual HHS Department-wide Budget Consultation meetings held in March/April each fiscal year.



## Quinault Indian Nation

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ORAL TESTIMONY BEFORE THE  
HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
ON THE FY 2011 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH  
SERVICE  
BY FAWN R. SHARP, PRESIDENT  
QUINULT INDIAN NATION  
April 15, 2010

*"The Great Spirit bestowed life to all of us...including the animals, birds, fish, insects and plants. Our collective Native warnings and predictions were ignored in the rush to capitalize and exploit the bountiful resources of the land. Countless irreplaceable species are preserved now in museums or documents in textbooks. As the consequences of unmanaged exploitation and pollution reach irreversible proportions, the United States heeded our centuries old appeals for environmental protection. We only hope it's not too late and that Mother Nature's wounds can still be healed. We will continue to serve as the environmental conscience to the nation and the world."*

*Joseph B. DeLaCruz, President  
Quinault Indian Nation, 1972-1993*

Good afternoon and congratulations to Congressman James Moran in your new role as Chairman of this Committee, to the distinguished Representative from my District in Washington State, Congressman Dicks and other honorable Members of this Committee. Thank you for the opportunity to appear before this Committee and provide oral testimony on the FY 2011 Budgets for the Bureau of Indian Affairs and the Indian Health Service. On behalf of the Quinault Indian Nation, we ask that this Committee not access unfair/disproportionate rescissions on FY 2011 funding for the BIA and IHS and other Indian Program Funds. Our requests and recommendations are as follows:

### Tribal Specific Priority Requests

- \$7 million a Year for Blueback Restoration – BIA (for 2011-2019)
- \$480,000 for Resource Protection and Enforcement - BIA
- \$500,000 for Substance Abuse Strategy - IHS

### Local/Regional Requests and Recommendations

- Affiliated Tribes of Northwest Indians
- Northwest Portland Area Indian Health Board
- Northwest Indian Fisheries Commission

### National and Self-Governance Requests and Recommendations - BIA REQUESTS:

- Provide \$82.9 million General Increase to BIA Tribal Priority Allocation for inflationary and fixed costs;
- Provide \$64 million increase for BIA Contract Support Cost (CSC), including Direct CSC;

- Provide \$5 million increase in the Indian Self-Determination (ISD) Fund;
- Provide 100% of Fixed Costs (uncontrollable), including Tribal Pay Costs; and
- Increase funding to the Office of Self-Governance to fully staff the office for the increase of Tribes entering Self-Governance

**National and Self-Governance Requests and Recommendations -IHS REQUESTS**

- Provide \$474 million for IHS mandatory, inflation and population growth increase to maintain existing health care services;
- \$330 million increase for Contract Health Services (CHS);
- \$122 million increase for IHS to fully fund Contract Support Cost (CSC), including Direct CSC; and,
- Increase \$5 million to the Indian Health Service (IHS) Office of Tribal Self-Governance

**TRIBAL SPECIFIC REQUESTS JUSTIFICATION**

**\$61 MILLION BLUEBACK RESTORATION (\$7 million annually from 2011-2019)**

The Blueback Restoration Program is designed to halt the current habitat loss and deterioration and to repair and restore natural habitat forming processes and sockeye production on the Quinault floodplain. Conditions that will result from implementation of this program will benefit other salmon stocks in the system and will serve to protect private property and public infrastructure. The program plan calls for formation of public and private coalitions and partnerships to implement restoration actions.

The Quinault River Blueback (Sockeye Salmon) Restoration Program will help to restore the natural beauty and productivity of the Quinault River Basin to historic levels, thus making it a more attractive tourism destination. In addition, the program will provide local construction jobs during its implementation phase, and the restoration program will result in conditions that will improve and sustain commercial and sport fishing on the Quinault River. The program will also benefit local residents and businesses by reducing the likelihood of flooding and property loss and increasing local economies both in the near and long term future. Implementation of the restoration program will help avoid the burdensome and restrictive consequences of having the Quinault sockeye listed as threatened or endangered under provisions of the Endangered Species Act (ESA).

This unique and valuable stock of salmon is near collapse due mostly to degraded habitats in the upper Quinault River Basin and in Lake Quinault. This habitat loss has occurred over the past century due to historic timber harvesting, property development, and infrastructure construction. Natural processes on the floodplain began unraveling in the late 1800s and the deterioration is continuing in the present time.

This is a long term project expected to take up to 20 years to complete structure placement and enhancement, including the engineering and material procurement, with full implementation occurring in the decades following as natural processes rebuild the habitat to historic



conditions. Through successful efforts of this program, it will protect and restore the livelihoods of 100 commercial fishermen and 25 sport fishing guides in Grays Harbor and Jefferson Counties and the Quinault Indian Reservation.

The program will also contribute partial support for approximately 20 jobs in the fish processing industry in western Washington, thus improve the economic status of the families living in the communities within the Quinault Indian Reservation. The program will provide employment for 10-30 laborers and equipment operators in Grays Harbor and Jefferson counties during the construction phases of individual projects.

This project will reverse adverse environmental impacts by restoring habitats and ecosystems of the Quinault River and Lake Quinault while at the same time stabilizing the river channel in efforts to protect infrastructure and property loss.

The construction phase of this plan was implemented in the Fall of 2008 with the construction of 12 engineered log jams. With full funding as needed on an annual basis, the basic construction phase of this project is expected to be completed at the end of Fiscal Year 2019. Fertilization, data acquisition and monitoring will continue for many years.

#### **\$480,000 for Resource Protection and Enforcement (6 Enforcement Officers)**

The Quinault Indian Nation operates many Natural Resource programs that are not funded to sufficient levels. We particularly are in need of funds to protect QIN and Indian resources through enforcement of regulations, infraction and trespass detection, and investigation. With a reservation area in excess of 200,000 acres coupled with the larger Usual and Accustomed area outside the reservation where we exercise fishing, hunting and gathering treaty rights under our self-regulatory status, we cannot possibly accomplish the needed level of detection and enforcement with current funding.

In 2010 dollars, we estimate the cost to support one enforcement officer at \$80,000 per annum. This covers compensation, benefits, equipment, vehicle, supplies and training. We are in need of reliable, continued funding to support an additional 6 enforcement officers to provide better protection of our fish, wildlife and forest resources.

#### **\$500,000 SUBSTANCE ABUSE STRATEGY PLAN**

The Quinault Indian Nation Substance Abuse Strategy seeks to improve, integrate and strengthen the overall health and services to protect the communities on the reservation from the significant risks related to methamphetamine productions and use by targeting enforcement, outreach, prevention, stabilization and harm reduction services to high risk-populations.

Methamphetamine use within the Quinault Indian Nation is a serious concern and a significant public health and social challenge. Since its introduction to the community, the government of the Quinault Indian Nation has taken a proactive approach to dealing with crystal meth. It

affects a number of different groups; however, it is most prevalent among youth and young adults.

Some of the major problems contributing to the spread of meth trafficking is the size and isolation of our communities, and jurisdictional issues related to law enforcement on Tribal lands. Tribal and local agencies are discovering that cooperation and collaboration represent a way to leverage resources to attack the threat of methamphetamine. Cooperative, inter-jurisdictional law enforcement efforts are the only way that Federal, tribal, and state law enforcement agencies will be able to effectively combat methamphetamine.

The Quinault Indian Nation's Substance Abuse Strategic Plan is part of a broader more comprehensive alcohol and drug strategy being developed that recognizes the need to plan for the future. The Nation has encouraged collaborative relationships among government departments, health authorities, professionals, community members and families to create conditions that **prevent** drug use, **treat** drug users, **educate** the public and hold offenders **accountable** and **control** access to ingredients and supply while helping to ensure safer communities.

Most importantly, we have actively sought the guidance and wisdom of our elders and with the participation of our youth, community, churches and school districts we have undertaken a multidisciplinary approach and strategy, emphasizing prevention, enforcement, treatment and aftercare. Unfortunately, the best plans prove valuable only when the funding is available to execute and implement the strategy. We have found that at every level and in every discipline, funding to support our strategy is appallingly inadequate.

We stress the urgent need to reclaim our communities to protect our families, our elders and our next seven generations from this menacing and deteriorating drug on the Quinault Indian Nation Reservation.

We support all requests and recommendations of the **Intertribal Timber Council**, the **National Congress of American Indians (NCAI)** and the **National Indian Health Board (NIHB)**.

Again, thank you for this opportunity on behalf of the people of the Quinault Indian Nation.



## NATIONAL CONGRESS OF AMERICAN INDIANS

MARCH 19, 2010

On behalf of the National Congress of American Indians, thank you for the opportunity to provide testimony on tribal programs in the FY 2011 budget under the Interior-Environment Appropriations bill. This testimony will address programs in the Department of Interior, Environmental Protection Agency, and Indian Health Service. Last year, for FY 2010, Congress enacted historic increases to important programs that are essential to tribes, especially during this time of economic recession. NCAI applauds the Administration's proposals for FY 2011 to continue to make investments in tribal public safety, environmental protection programs, and self-determination contract support costs and administrative cost grants. NCAI is working to strengthen investments in other areas, including in education, natural resources, and energy development programs.

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### Public Safety and Justice

Across the nation, tribal leaders have underscored the importance of public safety and justice in budget consultations over the years and emphasized the need for more resources. Today the inadequacy of public safety resources poses a direct threat to Native citizens and the future of Indian Country.

### Department of the Interior (DOI)

The Administration has proposed an *Empowering Tribal Nations, Protecting Indian Country* initiative, in the FY 2011 request that builds on the congressional support realized in FY 2010 and provides an additional \$20 million in program funding over the FY 2010 enacted level. DOI will collaborate with the DOJ for additional FBI agents dedicated to protecting Indian lands. Of this increase, \$19 million will go to DOJ to fund additional agents. The FBI has primary jurisdiction over major crimes on more than 200 reservations with approximately 105 agents available to investigate crimes that occur in Indian Country. The budget also proposes an increase of \$1 million for detention center operations and maintenance for new facilities built with DOJ grants.

NCAI has concerns about the proposed transfer of law enforcement funds from Interior to the FBI. In the 1980's, the Reagan Administration transferred the entire BIA budget for investigations to the FBI. Even though these funds are now built into the FBI budget, the FBI has sometimes lost sight of its mission to provide these services to Indian Country. In addition, tribal leaders have consistently stated that the highest need is to provide more funding and more consistent funding for regular policing budgets.



## Energy and Natural Resources

The health and maintenance of natural resources – forestlands, water, fisheries, wildlife, and outdoor recreation – is vital to Native communities. We wish to offer the following comments with respect to proposed FY 2011 funding for various energy and natural resource programs.

### Environmental Protection Agency (EPA)

The President's FY 2011 budget request for the Environmental Protection Agency would establish a new focused Multimedia Tribal Implementation Grants program to support on-the-ground implementation of environmental protection on tribal lands. These grants, for which \$30 million is requested, are tailored to address an individual tribe's most serious environmental needs. This new grant program will advance negotiated environmental plans, measures, and results as agreed upon by tribes and EPA, thus ensuring that tribal environmental priorities are addressed to the fullest extent possible. An additional \$2.9 million is requested for tribal capacity building and implementation of this new grant program. ***NCAI supports this new initiative and the proposed FY 2011 levels for grants and implementation.***

The Multimedia Tribal Implementation Grants program will complement the environmental capacity developed under EPA's Indian Environmental General Assistance Program (GAP), for which the Administration requests an \$8.5 million increase, for a proposed FY 2011 level of \$71.4 million. This requested increase will assist tribal environmental programs that have been able to build capacity and mature to take on additional responsibilities. ***NCAI supports this requested increase.***

The Administration also requests a 0.5% increase – from 1.5% to up to 2% - for the existing tribal set-asides under both the Clean Water and Drinking Water State Revolving Funds. While overall funding for the tribal set-asides under the State Revolving Funds is proposed to decrease by \$2 million from the FY 2010 enacted level, overall funding for tribal water infrastructure through the State Revolving Funds tribal set-asides has increased from 3 to 6 fold since FY 2009, in addition to the \$90 million provided in Recovery Act funding. These funding increases are incremental improvements towards the overall \$1.2 billion needed to address the reality that over 12% of tribal homes lack access to safe drinking water and/or basic sanitation. ***NCAI supports the proposed percentage increase for the tribal set-asides under both the Clean Water and Drinking Water State Revolving Funds, and the Administration's proposal to allow tribes the same flexibility that states have to request that the EPA Administrator transfer funds between those accounts for tribal drinking water and wastewater projects.***

### Bureau of Indian Affairs (BIA)

As part of the Department of the Interior's *New Energy Frontier* initiative, the FY 2011 budget request for Indian Affairs includes \$2.5 million for energy projects, of which

\$1 million is for grants to tribes for renewable energy resource development, and \$1.5 million is for conventional energy resource development on the Fort Berthold Reservation. The budget also includes \$200,000 for the BIA-tribal collaboration in the Landscape Conservation Cooperatives as part of the Interior Department's Climate Change Adaptation initiative. Given the potential for development of both conventional and renewable energy resources on tribal lands, and the drastic impacts that climate change have in Indian and Alaska Native communities, ***NCAI supports these requested increases, with hopes that such funding could be sustained and increased in future years.***

In addition to these proposed increases for energy resource development, the Indian Affairs budget request for natural resources programs proposes to provide recurring funding for several long-standing tribal natural resources programs, like the Washington State Timber-Fish-Wildlife program, Circle of Flight, Lake Roosevelt management, and Upper Columbia United Tribes, which, in prior years' budget requests, were treated as "earmarks." While a number of natural resource programs - for irrigation, agriculture, endangered species, forestry, fish, wildlife and parks - are proposed to be level-funded, modest increases are proposed for several others, including Water Management, Planning and Pre-Development (\$500,000 increase), and Water Rights Negotiation/Litigation (\$1 million increase). ***NCAI also supports these requested increases, with hopes that such funding could be sustained and increased in future years,*** especially given level funding over a number of years for BIA natural resources programs.

### **Support for Tribal Governments**

*Contract Support Costs (CSC):* The FY 2011 budget request includes important increases to the Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) contract support costs line items. The FY 2010 Interior Appropriations Act included \$166 million for the BIA's contract support cost payments to tribes and \$398 million for IHS's contract support cost payments to tribes. These reflect unprecedented increases over the prior year amounts of \$18.7 million and \$116 million for BIA and IHS, respectively. All of these funds are paid directly to tribes and support tribal employment and the delivery of essential government functions.

Although the *FY 2011 Indian Affairs Budget Justifications* noted that the requested FY 2011 increase for BIA CSC would meet 94 percent of the FY 2011 need, that calculation was based upon the CSC 2007 need. In FY 2011, the requirement will be \$233.9 million, and the proposed funding would be \$187.5 million, which results in a shortfall of \$46.4 million and means that only 80 percent of BIA CSC would be funded under the FY 2011 request for BIA.

*Education Tribal Grant Support Costs (Administrative Cost Grants):* Schools operated by tribes/tribal school boards are entitled by law to receive an Administrative Cost Grant (ACG) for the administrative/indirect costs they incur when taking over a Bureau of Indian Education (BIE) school. Currently, 124 of the 183 BIE-funded

schools (68 percent) are operated by tribes or tribal school boards and receive ACG funding. Tribal assumption of the operation of so many BIE-system schools is a major exercise of tribal sovereignty. While NCAI supports the budget request's increase of \$3 million, for a total of \$46.4 million, NCAI recommends a level of \$71.6 million. This amount would be comprised of \$69.6 million for ongoing grants/contracts, plus \$2 million for the first-time AC Grants Fund. This would be a \$28.6 million increase over the FY 2010 enacted level.

*Tribal Priority Allocations (TPA)*: The FY 2011 budget proposes an increase of \$28 million in TPA, which is 3.4 percent above the FY 2010 enacted level. TPA is one of the most important funding areas for tribal governments. It covers such funding as scholarships and higher education, human services, economic development, and natural resource management. Since tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, these funds are the main resource for tribes to exercise their powers of self-governance.

***NCAI would like request a general increase to TPA and BIA in general that takes into account inflation, pay costs, and population growth.*** As with other federal agencies, calculating mandatory cost increases is essential to maintaining the current level of services. These “mandatories” are unavoidable costs and include inflation, pay costs, and population growth. If these mandatory requirements are not funded, tribes have no choice but to cut services, which further reduces the quantity and quality of core governmental services available to Native people. While tribes appreciate President Obama’s attention to providing long needed increases to contract support costs, we are greatly concerned that the Administration has proposed no pay cost adjustment in FY 2011. Instead, tribes must absorb 100% of these costs. Contract support cost increases have no bearing on pay costs – they are completely separate. Pay costs represent the only base funding increase provided for our core governmental service programs (with the sole exception of law enforcement). ***NCAI also supports the Small and Needy Tribe initiative, as it helps strengthen critical tribal governance infrastructure.***

**Indian Health Service:**

The requested increase for the Indian Health Service budget, a 9 percent increase over the FY 2010 enacted level, which itself was a 13 percent increase over the FY 2009 level, represents an ongoing commitment by the Administration to the trust responsibility to tribes. NCAI applauds the incredible support shown by the Administration, this Committee, and the Congress to address the funding needs of the Indian Health Service, which in FY2010 was still only funded at about 50 percent of need.



## **Testimony of the Makah Tribal Council**

Neah Bay, Washington

April 15, 2010

Before the  
House Appropriations Subcommittee  
On Interior, Environment and Related Agencies  
On the Fiscal Year 2011 Budget

Good afternoon, Mr. Chairman and Members of the Subcommittee, I am Nate Tyler, Vice Chairman of the Makah Tribal Council. I am joined today by Timothy J. Greene, our Council Treasurer. First of all, Mr. Chairman, I want to congratulate you for the honor you have received by being named Chairman of this distinguished Subcommittee.

I would like to testify today on four priority issues:

- Federal assistance for improvements to our decrepit community jail through the Department of Justice, BIA or other sources;
- The need for increased contract support cost funding from the Indian Health Service (IHS) for the administration of our Neah Bay health clinic;
- Assistance from CERCLA or the Defense Department for helping us close the Warmhouse Beach open dump on our Reservation; and
- The need for the National Park Service to consult government-to-government with the Makah Tribe on the impact of their proposed land acquisition for Olympic National Park.

### **Neah Bay Jail**

The current Neah Bay Public Safety Correction Facility is totally inadequate, in size, capacity and design, for our community's needs. A BIA audit in 2001 found it non-compliant with almost all of the BIA's detention facility standards, and it has gotten worse since then. Inmates have been able to escape from the jail by kicking through decomposing walls and punching out window frames. The facility has serious plumbing and wiring deficiencies. The kitchen at the jail is no longer usable for preparing meals for inmates.

Our Tribe's long-term goal is to create a modern 911 Public Safety Complex above the tsunami floodplain. Our short-term goal is to repair the current facility by the most cost-effective means possible to meet minimum standards. We believe the best way to do that is by 1) purchasing a 60' by 53' modular unit that can be attached to the existing facility and house our inmates; and 2) making improvements to the existing building for administrative uses and to the adjoining grounds. We have learned that the modular unit is not eligible for funding under the Justice Department's Byrne Discretionary Grants, so we will be pursuing that funding through grants.

We do seek Congress' support for our modest Byrne Discretionary Grant request of \$105,200 to cover 80 percent of the cost of improvements to the existing building and grounds. These funds will help pay for remodeling the kitchen and laundry, providing a new water and sewer connection, repairing or replacing the HVAC unit and air vents, new fencing, a new security camera and remodeled lighting. This request will help us provide a correctional facility that meets the public safety and public health needs of our community.

### **Contract Support Costs**

In 2006, the Makah Tribal Council assumed the administration of all direct health care services in Neah Bay through a self-governance compact agreement with Indian Health Services (IHS). We signed that agreement with the understanding that, in the next few years, we would receive significant contract support cost (CSC) funding.

We appreciate the efforts this Subcommittee has made to address the serious shortfall in CSC funding. Our Neah Bay clinic benefited substantially from last year's increase in CSC funding. The Makah Tribe and other tribes, however, are still being short-changed.

This shortfall is inconsistent with a recent unanimous Supreme Court decision mandating full CSC funding. It also violates the letter and spirit of the Indian Self-Determination Act. Tribes might be reluctant to assume administration of their health clinics if they believe they might be short-changed in the provision of administrative support costs.

We urge this Subcommittee to build on and complete the good work done last year by providing 100 percent of CSC funding for self-governance health programs.

### **Warmhouse Beach Open Dump**

The Makah Tribe is taking aggressive steps to address the serious environmental and health risks posed by the Warmhouse Beach Open Dump, a decades-old landfill located on the Makah Reservation that was used by the U.S. Department of Defense and other federal agencies to dispose of hazardous waste. The Dump is leaching harmful

chemicals into a nearby stream which flows into the pristine waters of the Strait of Juan de Fuca at Warmhouse Beach, a traditional shellfishing location for the Makah people. Frequent fires at the Dump contribute to air pollution in the Town of Neah Bay and the Reservation community. Closing the Dump is the Makah Tribal Council's top environmental priority.

In the 1990s, the Tribe conducted an inventory of almost thirty former U.S. Department of Defense facilities located on the Reservation. This study thoroughly documented that the Makah Air Force Station, which supported radar operations at Bahokus peak from World War II through 1988, disposed of many hazardous substances at the Dump since its opening in the 1970s, including asbestos, batteries, pesticides, paints and waste oil. For many years, other federal agencies with operations on the Reservation also disposed of their waste at the Dump. As a result of this legacy of waste disposal on tribal land, the federal government bears substantial responsibility for cleaning up the Dump and preventing further exposure of the Reservation community to the environmental and health hazards caused by the Dump.

On October 22, 2009, the Tribe initiated a process that could lead to the listing of the Dump on EPA's list of Superfund sites. The Tribe has requested that EPA conduct a Preliminary Assessment, a thorough review of the hazardous substances released at the Dump and the environmental and health risks they pose. This is the first formal step in adding the Dump to the National Priorities List, which would make the site eligible for cleanup under the federal Superfund program. The Tribe has also requested that EPA conduct a removal assessment, the first step in abating the imminent environmental threat to West Creek, which is one of two streams that drain the Dump site and discharge into the Strait of Juan de Fuca.

The Tribe has also prepared a preliminary design for a transfer station that will handle all on-Reservation waste disposal. In August 2009, the Tribe secured \$4.1 million in federal grant and loan funds to design and construct the transfer station. The design work has been completed and construction will occur over the next one to two years.

Finally, the Tribe has served a demand letter on the U.S. Defense Department seeking a federal monetary contribution to the Tribe's effort to clean up the dump, which is projected to cost from \$6 to \$10 million. If a settlement cannot be reached, the Tribe intends to seek damages against the United States under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

We have waited many years and tried many avenues to close this dump. We believe that our latest actions are a necessary last resort to protect the health of our citizens. We would appreciate this Subcommittee's support of our efforts.

## **Olympic National Park**

The National Park Service has proposed the purchase of 240 acres near Umbrella Bay of Lake Ozette to expand the size of the Olympic National Park. The Makah Tribe filed comments on this “proposed minor boundary revision” on March 17.

Our comments focused on the need for the National Park Service to engage in government-to-government consultation with the Makah Tribe regarding this proposed boundary expansion in order to ensure that it does not impair the treaty hunting and gathering rights of the Makah Tribe in this area. Our Tribe reserved the right to hunt and gather on “open and unclaimed lands” in the 1855 Treaty of Neah Bay. The land proposed for this expansion falls within the territory ceded by the Tribe in the Treaty.

The Makah Tribe requests that the required Congressional legislation to implement this boundary expansion include a treaty savings clause to ensure that our Tribe’s existing treaty rights on these lands are preserved. In the meantime, we ask that the Olympic Park Superintendent meet with us to discuss this important treaty rights issue.

Thank you again, Mr. Chairman and Members of the Subcommittee, for this opportunity to speak with you today.





*Nez Perce*

**TRIBAL EXECUTIVE COMMITTEE**

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

**UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT  
AND RELATED AGENCIES**

**THURSDAY, APRIL 15, 2010**

**TESTIMONY OF SAMUEL N. PENNEY  
CHAIRMAN, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE**

**PUBLIC WITNESS HEARINGS  
NATIVE AMERICAN ISSUES**

Honorable Chairman and members of the Committee, as Chairman of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe to this Committee as it evaluates and prioritizes the spending needs of the United States on many programs that directly impact the daily affairs of Indian tribes across the country. I would like to extend a special thanks to the new Chairman Jim Moran and Ranking Member Mike Simpson who represents the Second Congressional District in Idaho.

As with any government, the Nez Perce Tribal government does a wide array of work and provides a multitude of services to the tribal membership as well as the community at large. The Nez Perce Tribe has a health clinic with a satellite office, a tribal police force with 16 officers, a social services department, a comprehensive natural resource program that does work in forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and one of the largest fisheries department of any tribe in the nation working on recovery of listed species under the Endangered Species Act. In addition, the tribe has a comprehensive administrative framework a government this large needs to function effectively. The Nez Perce Tribe has long been a proponent of self determination for tribes and believes its primary obligation is to protect the treaty-reserved rights of the Nez Perce Tribe and its members. All of the work of the Tribe is guided by this principle. As a result, the Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for and through Tribes is of vital importance. I would like to give you a snapshot of some of those needs through specific examples.

## Indian Health Services

The Nez Perce Tribe was pleased to see President Obama's budget provided for increased spending for Indian Health Services. The request for \$4.41 Billion is an increase of 8.7% over last year's spending and is desperately needed. The Nez Perce Tribe currently operates one health care clinic, Nimiipuu Health, in Lapwai, Idaho on the Nez Perce Reservation. Nimiipuu Health also has a branch facility 65 miles away in Kamiah, Idaho on the Nez Perce Reservation. Nimiipuu Health served approximately 3,800 patients in 2009 with a contract health service expenditure of \$4.5 million dollars in 2009 but an appropriation of only \$3.3 million dollars. This is a huge shortfall. This equates to spending of only \$868 per patient. When funding for services is rationed, patients are put on a deferred services list. Last year when I testified, the list amounted to \$1,293,434.00 in deferred health care cost. Through tribal funding, that amount has been reduced to \$250,000.00. However any shortfall in funding creates a trickle-down effect in patient care whether it be emergency or preventative care and must be avoided if the health system is to work like it should. Also, directing those tribal funds to this area means that the Tribe is forced to move funds away from other areas or services despite the fact that the federal trust obligation to provide the services rests with the United States.

## Bureau of Indian Affairs

The Nez Perce Tribe supports President Obama's budget request regarding increased spending in the Bureau of Indian Affairs that is focused on the areas in most need in Indian Country in the Empowering Tribal Nations budget blueprint. The attention to areas such as Nation to Nation relationships, law enforcement and reform of trust land management is long overdue. The Tribe supports the increase in contract support funding under this plan. Currently, the Nez Perce Tribe contributes \$600,000 per year to cover the shortfall in contract support funding for the Tribe's law enforcement. Addressing this shortfall in contract support funding should be a priority.

In addition, the Tribe supports the increased spending for law enforcement and public safety in the "Protecting Indian Country" initiative. The increased spending in collaboration with the Department of Justice is vital for Indian Country. The jurisdictional voids that exist within Indian Reservations need to be addressed and the focus on having more FBI agents dedicated to protecting Indian lands is a positive recommendation the Tribe endorses. The Nez Perce Reservation covers 1200 square miles and covers five counties and has a mixture of tribal and non-tribal residents. Given the fact the jurisdiction over certain crimes involving tribal members and non tribal members rests only with the federal government, the lack of adequate numbers of FBI agents and subsequent federal prosecution is not healthy for Indian Country. Since I testified here last March, there have been two incidents where a tribal member was fatally shot. Both of these incidents have created a sense of unease on the Reservation and proper funding for the federal authorities in conjunction with passage of the Tribal Law and Order Act will be a helpful tonic to prevent these kinds of situations from arising again.

The Tribe also requests that this committee support the budget recommendations for improving trust land management. The Nez Perce Tribe entered into an agreement with the United States in 2005 known as the Snake River Basin Water Rights Settlement Act of 2004 (Title X of Division J of P.L.108-447, 118 Stat. 3431, et seq.). A component of the agreement was the transfer of

approximately 11,000 acres of land from the Bureau of Land Management to the Tribe. The lands were supposed to be surveyed as part of the transfer. Funding for those surveys has not been made to this date. The current budget calls for \$695,000 for this year to begin that process. Although that will not cover the full cost of the surveys, it will allow the process to begin and the appropriation request is supported by the Tribe.

#### Environmental Protection Agency

As I stated above, the Nez Perce Tribe performs many different services within the Nez Perce Reservation. The Nez Perce Tribe currently implements, on behalf of the Environmental Protection Agency, the Federal Air Rules for Reservations program (FARR). The program monitors air quality and regulates field burning throughout the Nez Perce Reservation. The Tribe is located in Region 10 of the EPA. The Tribe is currently dependent on several EPA sources for funding for the FARR. Continued funding is needed for Tribes to meet their air quality needs and operate programs under the delegation of the EPA. EPA consistently uses the Nez Perce Tribe's FARR Direct Implementation Tribal Cooperative Agreement (DITCA) program as a model of success but Region 10 is being forced to look for ways that the Nez Perce Tribe can reduce the cost of its FARR DITCA. However, these cost-reduction alternatives usually are accompanied by increased risk of a lawsuit against the Nez Perce Tribe. The Nez Perce Tribe cannot cut its FARR DITCA budget without adversely impacting the Tribe's ability to protect the health and welfare of the 18,000 residents of the Nez Perce Reservation, and in turn adversely impacting the success of the FARR DITCA program. The Nez Perce Tribe currently operates its entire FARR DITCA program for about the same cost per year as the State of Idaho operates solely an agricultural burning program, therefore, EPA gets a much bigger "bang for their buck" with the FARR DITCA program compared to the state program and is a program worthy of investment.

The Tribe was pleased to see that Administrator Lisa Jackson proposed \$1.3 billion for state and tribal partnerships when she testified before this committee. In addition to the air quality program, the Tribe is currently in facilitated discussions with the state of Idaho that are being funded through grants from the EPA. The facilitated discussions involve the Tribe adopting water quality standards to improve the water quality on the Nez Perce Reservations. The Tribe will be looking to the EPA for continued assistance and funding for these efforts if the funding recommendations discussed here are approved by Congress.

#### Forest Service and Fish and Wildlife Service

The Tribe also supports increased funding for the work of the Forest Service in the protection of treaty reserved resources of tribes. The Nez Perce Tribe reservation and its usual and accustomed areas are rich in natural resources and encompass eight different national forests. The Tribe works closely with each forest administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to managing the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. Increased funding is necessary so that the Forest Service can meet these trust obligations and continue to work with tribes such as the Nez Perce on a government to government basis. A primary example of this relationship is the work the Tribe is doing with the Forest Service to

protect Big Horn Sheep from extirpation in regions of Idaho from disease that scientists believe is transmitted by domestic sheep. The Tribe is working very hard on finding funding for restoration efforts to help preserve the native stock. Any funding that will aid these efforts through the Forest Service, the Fish and Wildlife Service or the BIA is needed to not only aid the Big Horn Sheep but also help reduce the impact on domestic sheep grazers.

Similarly, the Tribe is looking for funding for solutions to help with its Bison hunt in the Gallatin National Forest near Yellowstone National Park. For the last 5 years, the Nez Perce Tribe has returned to the Gallatin to exercise its treaty right to harvest bison in that area. The treaty hunt has been successful except for the last two years when no Bison have entered the Gallatin from Yellowstone because of the ship and slaughter programs used by the state of Montana to protect domestic livestock from disease have decimated the herds. More funding for work and research to assist in helping the Forest Service, the Fish and Wildlife Service and the National Park Service meet the treaty hunting rights of the Nez Perce Tribe and the Confederated Tribes of the Salish Kootenai is needed.

As you can see, the Nez Perce Tribe does a variety of work, sometimes instead of and sometimes on behalf of the United States. The Tribe is proud of this work and expects the United States to honor and uphold its obligations to the Nez Perce Tribe through proper funding. I wish to sincerely express my appreciation for the honor and privilege of having been invited to present testimony to the Committee today. Thank you.

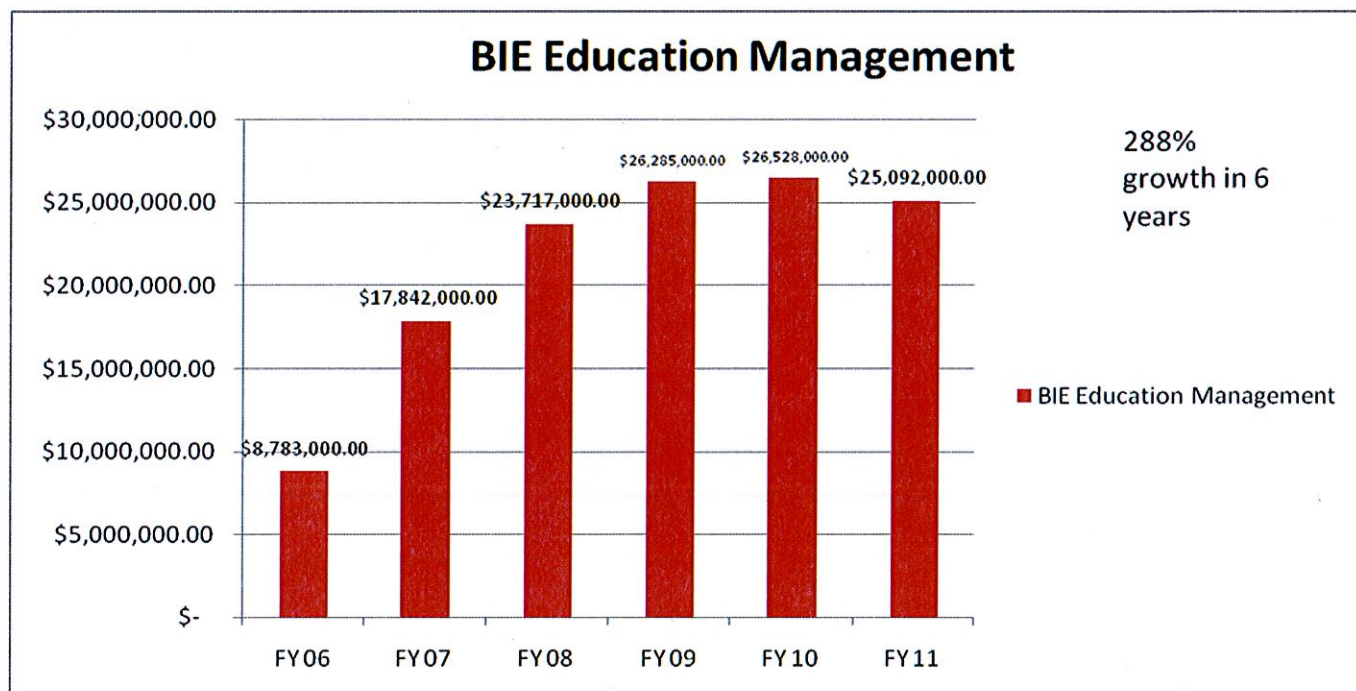


**Association of Community Tribal Schools  
Dr. Roger Bordeaux  
April 15, 2010**

My name is Dr. Roger Bordeaux; I serve as the superintendent of the United Auburn Indian Community School in Auburn, California and the Executive Director of the Association of Community Tribal Schools Inc. (ACTS). I have been a Superintendent for 20 years and the Executive Director for 23 years.

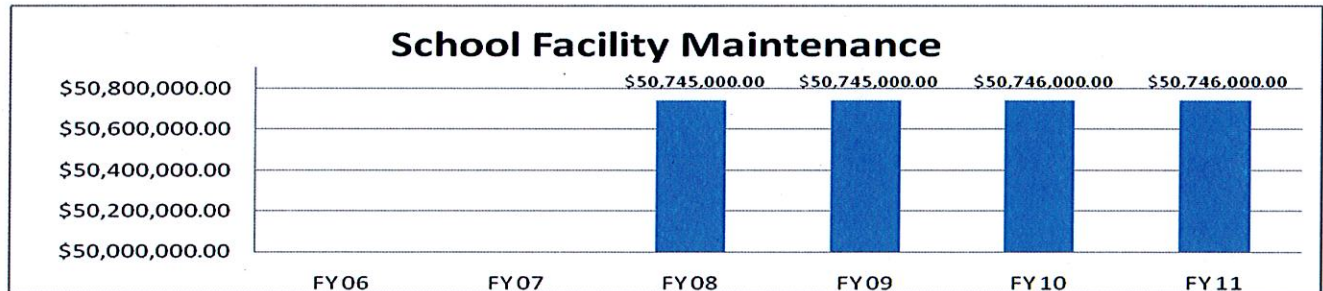
The tribal school movement started in 1966 with Rough Rock Demonstration School. Now there are over 28,000 students in tribal elementary and secondary schools. The schools are in the states of **Maine, Florida, North Carolina, Mississippi, Louisiana, South Dakota, Minnesota, North Dakota, Michigan, Iowa, Wisconsin, Kansas, Wyoming, Oklahoma, Montana, California, Washington, Idaho, Nevada, Arizona, and New Mexico.** ACTS represents a significant number of the over 124 tribally controlled elementary and secondary schools. The BIE funded schools have over 46,000 tribal children enrolled in k-12 programs and 9,000 enrolled in pre-school programs (FACE). ACTS's mission is to "assist community tribal schools toward their mission of ensuring that when students complete their schools they are prepared for lifelong learning and that these students will strengthen and perpetuate traditional tribal societies."

**There is no equity in the appropriations over the last six years. BIE Education Management has grown by over 280% while the appropriations for all school based programs have stayed relatively stagnant. The following charts illustrate the inequity:**



This chart does not include an additional \$ 10,000,000 or 5%, the BIE uses for Education Program

Management from Department of Education NCLB program funds.

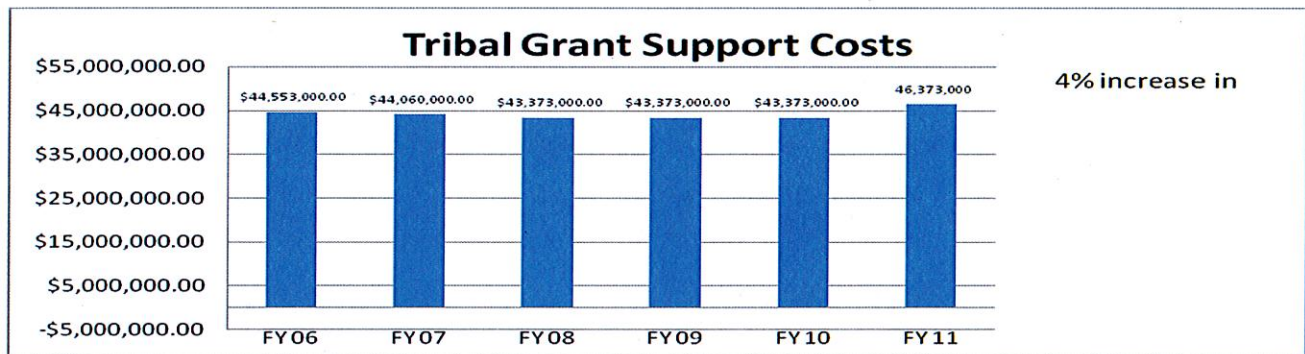


BIE-Elementary/Secondary Programs-Facility Maintenance

FY 2011 Request \$ 50,746,000

Additional Need \$ 3,254,000 (O&M Needs/Distribution Detail by Location - FY 2010, 6% constrained)

New FY 11 Request \$ 54,000,000

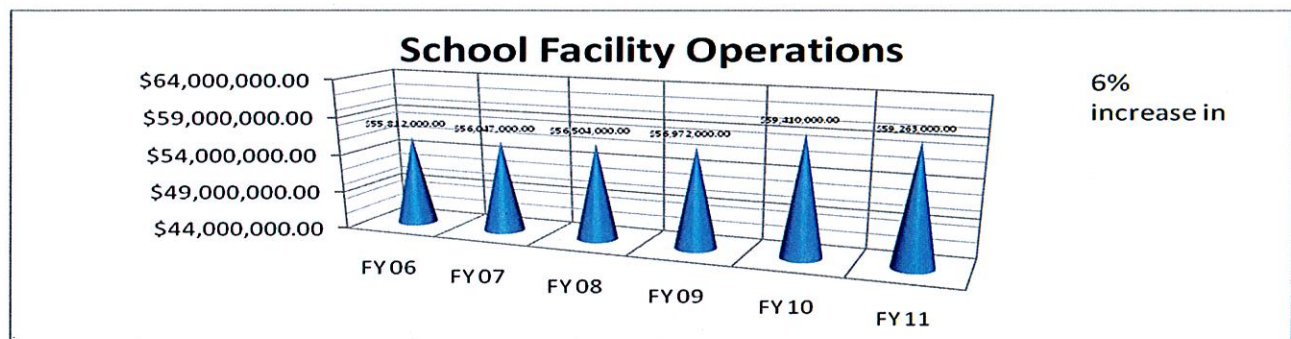


BIE-Elementary/Secondary Programs-Tribal Grant Support Costs

FY 2011 Request \$ 46,373,000

Additional Need \$ 18,627,000 (Based on Fund Distribution Documents, 40% constrained)

New FY 11 Request \$ 65,000,000



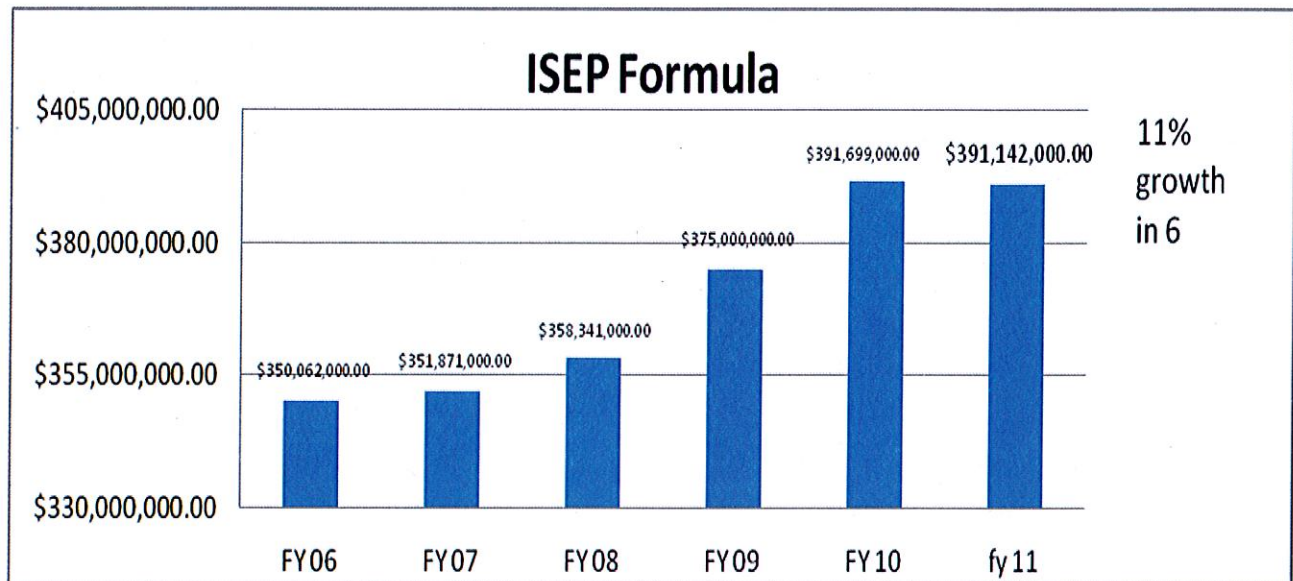
BIE-Elementary/Secondary Programs-Facility Operations

FY 2011 Request \$ 59,263,000

Additional Need \$ 30,737,000 (O&M Needs/Distribution Detail by Location - FY 2010, 52% constrained)

New FY 11 Request \$ 90,000,000



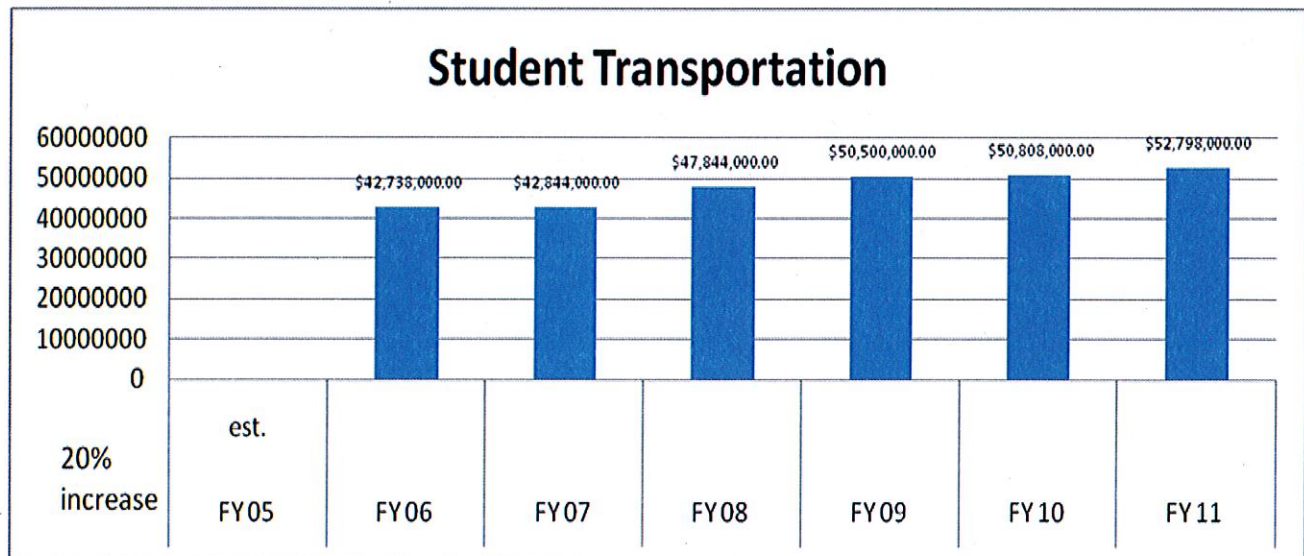


#### BIE-Elementary/Secondary Programs-ISEP Formula Funds

FY 2011 Request      \$ 391,142,000

Additional Need      \$ 112,858,000 (Based on 25 CFR Part 39, subpart H, 29% constrained)

New FY 11 Request      \$504,000,000



#### BIE-Elementary/Secondary Programs-Student Transportation

FY 2011 Request      \$ 52,798,000

Additional Need      \$ 6,212,000 (Based on national school transportation costs, 15% constrained)

New FY 11 Request      \$ 59,000,000

**Requested Action**

1. Decrease (these funds are currently used to control the schools and hamper progress):

BIE-Elementary/Secondary Programs-ISEP Program Adjustments	\$ 7,238,000
BIE-Elementary/Secondary Programs-Education Program Enhancements	\$ 12,067,000
BIE-Elementary/Secondary Programs-Education Management	<u>\$ 10,000,000</u>
Total	\$ 29,305,000

2. Increase:

BIE-Elementary/Secondary Programs-Facility Maintenance	\$ 3,254,000
BIE-Elementary/Secondary Programs-Tribal Grant Support Costs	\$ 18,627,000
BIE-Elementary/Secondary Programs-Facility Operations	\$ 30,737,000
BIE-Elementary/Secondary Programs-ISEP Formula Funds	\$ 112,858,000
BIE-Elementary/Secondary Programs-Student Transportation	<u>\$ 6,212,000</u>
Sub-Total additional need for nearly 43,000 children	\$ 171,688,000
Less requested decrease	<u>\$ 29,305,000</u>
Total requested increase for FY 11	\$ 142,383,000

3. Eliminate the following Administrative Provisions language to allow current schools to expand grade level offerings and allow tribes to apply to operate a Grant School:

- “Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995.”

4. Change language, **with insert**, to allow additional appropriations for Tribal Grant Support Costs:

*“Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed [\$43,373,000]~~\$46,373,000~~ **\$ 65,000,000** within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year [2009]2010 for the operation of Bureau-funded schools, and up to [\$500,000]~~\$500,000~~ within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, [2009]2010, of Bureau-funded schools”*





## **Black Mesa Community School**

P.O. Box #97

Pinon, Arizona 86510

Phone # 928-674-3632

**Developing Self-Confidence for Lifelong Success**

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*Board President: Marvin Yellowhair Vice-President: Irene Begaye Secretary: Jerry Begay Member: Harrison Honie*

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### **Testimony of Marvin Yellowhair, School Board President**

#### **BLACK MESA COMMUNITY SCHOOL (BMCS)**

**Navajo Nation, Pinon, Arizona**

#### **Regarding**

#### **Bureau of Indian Education Fiscal Year 2011 Budget House Interior, Environment and Related Agencies Subcommittee**

**April 15, 2010**

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#### **BUREAU OF INDIAN EDUCATION PROGRAMS:**

- **Tribal Grant Support Costs**
- **Student Transportation**
- **Indian School Equalization Formula (ISEF)**
- **Facilities Operations**

My name is Marvin Yellowhair. I am School Board President of the Black Mesa Community School, a K-8 school located on a 6,700-foot high mesa in an extremely remote portion of the Navajo Reservation in Arizona. I want to tell you about the challenges of operating a very small school in an extremely isolated area and ask for your help.

Costs of isolation. Neither of the two roads leading onto Black Mesa is paved. To get on or off the mesa, we must travel 16 miles of dirt road north to Rough Rock, or 26 miles south to Pinon. From either location, it is yet another hour's drive to our closest town – Chinle. During periods of snow or heavy rain, both dirt roads to our community are impassible or, if we are lucky, we can make the journey in six or seven hours.

This extreme isolation requires us to be as self-sufficient as possible, as we can't depend on vendors, service-providers, repair people and other outsiders being able to get to our school. Even when they can get to us, the time they must spend in travel makes their goods and services very expensive. When we have to send staff out to pick up supplies or go to the bank, a round-trip can take a full day or more. Last year, when our large freezer broke down, impassable roads made it impossible for the repairman to get to us. As a result, we lost a whole month's worth of food for the school cafeteria.

Let me give you an idea of some measures we have had to institute due to our remote location. Our **Student Transportation** program is a vital part of our operations because so many of our children live far away from the school campus. Bus break-downs were so frequent that we had to purchase our own service truck and a back-hoe to dig out buses that get stuck in

the mud. We have also had to buy our own school buses (at a cost of approximately \$80,000 each) in an effort to reduce bus malfunctions. The General Services Administration refuses to lease new buses to us because our roads are so bad, but the used buses they supplied broke down too often. It cost us enormous sums to tow a bus to the GSA for repairs, deprived students of educational days, and put our children at risk. Thus, the School Board determined that the only course was to use our scarce transportation dollars to buy our own buses. This means we also have high insurance bills for the buses we own.

Because our children live so far from the school and our roads are so bad, a *one-way* bus ride takes at least two hours – in good weather with no bus break-down – and up to four hours in bad weather. Can you imagine elementary-age children spending four to eight hours per day on a school bus? They arrive at school too tired to learn. We wish we could operate more bus routes to make the journeys shorter but we don't get enough student transportation funding to allow for this. As it is, our student transportation budget was exceeded last year, and we had to make up this shortage by taking funds from our education program.

Costs of operating a small school. As you know, most of the funding we receive from the BIE is based on the number of students we enroll. Our community is very sparsely-populated so our student enrollment is small – it varies from 40 to 60 students. The consequence of being such a small school is that we do not attract much funding from the Indian School Equalization Formula (ISEF) for our education program, nor do we generate much funding under the formula for calculating Tribal Grant Support Costs.

The **Tribal Grant Support Costs** law requires that each tribally-operated school receive *at least* \$200,000 each year for its administrative and indirect costs, and Black Mesa should qualify for this small school minimum. But we routinely receive less than that amount because Congress never supplies the full amount required by the law for these costs. This year, we received only \$172,800 in Tribal Grant Support Costs funding. Overall, BIE paid TGSC at only 61% of the amount the law requires.<sup>1</sup>

Even though ours is a small school, we nonetheless must perform all of the fundamental administrative tasks required of a School Board – including executive direction; curriculum development; financial, personnel, property and procurement management; recordkeeping; auditing; and maintaining prudent internal controls. But our Tribal Grant Support Costs funding is so low that we can't afford to employ a Business Manager to keep track of our grant funds and capital assets, reconcile bank statements, arrange for audits and perform other vital financial management services. Nor can we afford to employ a Human Resources manager. All of these functions, therefore, must be performed by one business office technician and the School Principal – who is also responsible for directing the education program and supervision of the teaching staff. In other words, we have one person essentially performing three jobs. A large portion of our TGSC funds must be reserved to pay for our audit which costs \$40,000 each year.

Our **Facilities Operations** budget also falls far short of the amount we need to pay our utilities, clean our school buildings, and maintain our internet, telephone and telecommunications

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<sup>1</sup> The formula for calculating Tribal Grant Support Costs (previously called "Administrative Cost Grants") is set out at 25 USC §2008.

systems. Even though the BIE has a formula for calculating Facilities Operations funding needs, we receive less than one-half of the amount the formula produces. When our equipment malfunctions, we often have to wait days or even weeks for a technician to travel to the school to make repairs – and these service calls to our remote location are very expensive.

**Education Program (ISEF) budget.** For the current school year, we received \$338,300 under the ISEF formula for our education program. These funds must support teaching personnel to staff seven classrooms and special education. The low salaries we offer makes recruitment and retention of certified personnel very difficult.

Conclusions. The Federal Government made a commitment to the Indian children who attend BIE-funded schools, but that commitment is not being met. How can our children be expected to reach achievement targets when they must spend many hours getting to/from school, have school cancelled because of bad roads, and then find when they do get to school the funds for their education program has to subsidize inadequate funding for administrative costs and facilities operation expenses?

All of us connected with the Black Mesa School work hard every day to keep our school in operation because we know that if we fail in this mission, most of the children in our community would not have access to an education. The United States made a commitment to the Indian children enrolled in the 183 BIE schools, including the Indian children at Black Mesa. We need you to fulfill that commitment by providing us with the resources we need to make their path toward a quality education easier to navigate. I promise you that if you provide the resources, all of us in the Black Mesa Community will re-double our efforts to provide our children with a challenging and satisfying educational experience.

Thank you for believing in us and in our Navajo children.

**Testimony of Nathan Small, Vice Chair  
Shoshone-Bannock Tribes of the Fort Hall Reservation  
April 15, 2010  
Before the House of Representatives  
Committee on Appropriations,  
Subcommittee on Interior & Environment**

Thank you for the opportunity to testify today on behalf of the Shoshone-Bannock Tribes of the Fort Hall Reservation. My name is Nathan Small, and I serve as the Vice Chairman of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes. Chairman Alonzo Coby could not be here in Washington, D.C. today, and I am honored to testify before this Subcommittee in his place.

I would like to focus my testimony on three key areas: Tribal justice programs, Indian Reservation Road maintenance, and Indian Health Service funding needs.

**Tribal Justice Programs**

First, I would like to thank the Subcommittee, including our own Congressman Simpson, the Ranking Member, for supporting substantial increases over the last two years for law enforcement and corrections in Indian Country. These key public safety programs have been severely underfunded for many years. As a result, police departments and detention centers in Indian Country are understaffed by as much as 50% or more. Increased funding is crucial to make our reservations safe. These programs continue to need additional increased support from Congress.

The Fort Hall Reservation faces many of the public safety challenges common to Indian Country. Many on-Reservation misdemeanor and felony crimes go unprosecuted because of the lack of federal resources. Convicted offenders – adult and juvenile – often have no effective sentence due to inadequate detention bed space at Tribal and nearby State facilities. The State of Idaho has neglected its responsibilities for juvenile delinquency matters under its concurrent Public Law 280 jurisdiction, leaving the needs of troubled youth on our Reservation unaddressed for far too long.

The buildings used to house our police station, jail, and courts were extremely old, nearly uninhabitable, rife with building code violations, and grossly insufficient for our public safety needs. The tiny Tribal courthouse was built in 1895. Our police and jail building was condemned 20 years ago, but was still in use until this year. We were simply unable to house juvenile offenders due to the lack of a proper detention facility. Congress and many past Administrations failed to address our dire need for decades, claiming that Idaho, as a Public Law 280 state, was solely responsible, even though Idaho actually has only concurrent jurisdiction, not sole jurisdiction.

Therefore, starting 20 years ago, we took the initiative ourselves to create a facility that would allow for real public safety and justice services at Fort Hall. Through



grants, a \$14.4 million loan, and the Tribes' own funds, we have just completed the construction of a state-of-the-art Tribal Justice Center this year.

In February 2010, the Shoshone-Bannock Tribes were proud to hold a grand opening for our new Tribal Justice Center. This comprehensive building is the new home of our police, our prosecutors, our courts, and our separate adult and juvenile detention centers – with all the modern amenities these institutions need. Staff are moving into the Tribal Justice Center as we speak, including our dispatchers just last week.

Our new Tribal Justice Center can serve as a leading model for a regional detention center for adults and juveniles. We built the Center with sufficient bed space for this purpose, and we have already received support from nearby tribes – including the Goshute and Blackfoot Tribes – to house detainees from other reservations. The Congressional conference report on the Fiscal Year 2010 budget singled out our Tribal Justice Center as a regional center that should be supported and encouraged by the administration. Now that our Center is fully constructed, we ask for your continued support for the Tribal Justice Center as a regional detention facility.

We have entered into new self-determination contracts to carry out the law enforcement, adult corrections, and juvenile corrections programs in our new Tribal Justice Center. While we have received increased funding for these programs in Fiscal Year 2010, it is still only a portion of the actual costs, and still less than the true need. Even with our recent funding increases, the Shoshone-Bannock Tribes will continue to subsidize these costs with hundreds of thousands of dollars annually from our own Tribal sources. To make our new Tribal Justice Center and its programs truly effective in improving public safety and the administration of justice at Fort Hall, we still need more help. Continued increases in BIA justice program funding – and facilities funding – are desperately needed.

Corrections, especially juvenile corrections, require a comprehensive approach. We do not want to simply lock up our juvenile offenders, but to educate them, provide treatment for their health and mental health issues, rehabilitate them, and help them to be productive members of our communities. Our new Tribal Justice Center corrections facility incorporates space for treatment and education components. However, the Bureau of Indian Affairs (BIA) lacks the funding to provide the necessary education and treatment components for juveniles.

In addition, there are bureaucratic roadblocks that prevent us from using our BIA detention program funding to pay for nursing personnel in our detention facility – because that is normally a cost of the Indian Health Service (IHS). Congress should increase funding and remove these unnecessary barriers. We should be able to budget a sufficient amount of funds for detention center nursing through our adult and juvenile corrections contract with BIA. If there are reimbursement required at the agency level, that should be worked out between BIA and IHS, without limiting the Tribes' ability to provide for sufficient health care and treatment for our detainees. In addition, the House and Senate appropriations subcommittees should also work together to address these

issues in a comprehensive way – including the health, education, treatment, and justice components.

Finally, while funding for law enforcement and corrections has increased substantially over the last two years, funding for the Tribal courts program has not. Tribal courts operations have struggled with chronic, long-term underfunding. We operate the Tribal courts under a self-determination contract with the BIA, but like all other tribes, the Shoshone-Bannock Tribes receive only a tiny fraction of the actual Tribal courts budget from the federal government. We subsidize almost 90% of the Tribal court budget. For comprehensive justice in Indian Country, we need law enforcement, detention facilities, and courts to all work together at a minimum level of funding and operations. We ask that Congress increase appropriations for Tribal courts programs.

### **BIA Road Maintenance Program**

I also want to discuss the dangerously underfunded BIA Road Maintenance Program. In Fiscal Year 2010, the BIA Road Maintenance program received less than \$26 million to maintain a BIA road inventory which now exceeds 100,000 miles. As far back as 2003, the BIA estimated that at least \$120 million per year was needed to maintain the BIA road system. Since then, the BIA road system has vastly increased in size and inflation has significantly eroded the value of these funds. Yet annual BIA Road Maintenance funding has remained flat or even declined over the last decade. In 2007, then-BIA Director Jerry Gidner testified to the Senate Indian Affairs Committee that it is “impossible to maintain the roads at safe levels with the tools we currently have.”

This is a remarkable admission, and it is borne out by statistics. The fatality rate on reservation roads is four times the national average and pedestrian deaths in Indian Country are by far the highest in the nation. At Fort Hall, far too many young people are lost through poor road conditions, in addition to the lack of juvenile treatment services I described above. More than two-thirds of reservation roads remain unpaved, and more than a quarter of BIA-system bridges are rated in unsafe and deficient condition. Our Tribe is proud of the progress that we have made in recent years to improve our reservation road system after taking over the Indian Reservation Road Program from the BIA. For example, we recently completed the reconstruction of Agency Road in front of our new Tribal Justice Center, which for the very first time includes street lights and sidewalk improvements. Like our Justice Center, this important road project will lead to a safer and healthier community.

Not only does the current road maintenance funding level create a terrible safety risk in Tribal communities, it also makes no economic sense for the American taxpayer. All experts agree that it is far cheaper to maintain a road system in good condition than it is to complete a reconstruction project after a road has fallen into disrepair. However, even as we have made these improvements with our road construction program, our progress is threatened because BIA funding for road maintenance is so low that newly constructed roads lose more than half their useful design life. It makes no economic sense to spend millions to reconstruct a road when it could have been maintained for

pennies on the dollar. We therefore endorse the position of the National Congress of American Indians for a funding increase to at least \$150 million a year for the BIA Road Maintenance Program.

### **Indian Health Service**

Finally, I would like to discuss the underfunding of health services. Health care funding in Indian Country is far too low, depriving our members of a long and healthy life. At Fort Hall, we have a very high rate of respiratory problems due to phosphate production and the agricultural industry. We also have a high rate of diabetes, which particularly affects our Tribal elders. However, our IHS clinic is simply overwhelmed. Since the closure of the Salt Lake City IHS facility, our clinic draws patients from a 200-mile radius. It is essentially a regional IHS clinic. Seventy-five percent of these patients not even Shoshone-Bannock Tribal members. We ask for your continued support for additional appropriations for IHS hospitals and clinics. We agree with the NCAI request for an additional \$500 million in program increase for these facilities. In particular, we support additional appropriations for health prevention and education, which could help alleviate the high rate of diabetes and chronic respiratory conditions at Fort Hall.

However, increased support for our own clinic will not be sufficient. We also urge Congress to substantially increase contract health services appropriations – so that we may comprehensively address health care needs of our members. According to the Senate Committee on Indian Affairs’ “Views and Estimates” letter on the Fiscal Year 2010 budget, the need for contract health services for Native Americans exceeded \$1.0 billion in 2010 – but the President’s Fiscal Year 2011 budget proposes an increase only to \$864 million, leaving a shortfall of at least 15% of need.

IHS practitioners frequently need to refer our Tribal members to other health care providers for time-sensitive care issues that cannot be handled on-site because of the overwhelming IHS workload. Referrals are also made for tests, specialists, or treatments that are just not available at our IHS facility. IHS referrals to other health care providers are often due to particularly serious medical issues and conditions – such as life-threatening injuries, chronic diseases, or acute infections – and this is why contract health funding is so crucial to the health and well-being of our Tribal members. When funding is so limited, it runs out before the end of the Fiscal Year. Thus, if our members have an emergency at the wrong time, there is no guarantee of reimbursement, leaving them vulnerable to debt collection. In addition, local providers are often not interested in treating Tribal members because it can take over a year for the providers to actually be paid from contract health funds. For these reasons, we support the position of the National Congress of American Indians that contract health funding be increased by a full \$500 million for Fiscal Year 2011.

Thank you for the opportunity to testify today on behalf of the Shoshone-Bannock Tribes.

**Nancy R. Martine-Alonzo, President  
Board of Trustees, Ramah Navajo School Board, Inc.  
Ramah Navajo Reservation, Cibola County, Pine Hill, New Mexico**

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**CONGRESSIONAL TESTIMONY**

**Submitted to the U.S. Congress:**

**HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

**FY 2011 FEDERAL BUDGET:**

**BUREAU OF INDIAN EDUCATION (BIE) & INDIAN HEALTH SERVICE (IHS)**

**March 19, 2010**

Mr. Chairman and Members of the Subcommittee:

**Request.** My name is Nancy Martine-Alonzo, and I am the President of the Board of Trustees of the Ramah Navajo School Board, Inc. (RNSB), which governs the K-12 Pine Hill School and also operates over 30 other school and community programs on the Ramah Navajo Reservation in Cibola County, New Mexico, at Pine Hill, New Mexico.

The Ramah Navajo School Board and the Ramah Navajo community people are extremely grateful for the continuing support and federal funding we have received for the past 40 years, which has impacted the 4,000-plus members of the Ramah Band of Navajo Indians. Without the congressional funding commitment in a pioneering effort in 1970, the dreams, hopes and reality of the RNSB's legacy for taking control of its educational responsibilities, and thus, our presence here would not have been possible.

My testimony today is on the need for Congress to appropriate funding to address the infrastructure needs of our Bureau of Indian Education BIE-funded school and other federal community programs in two categories. Requests "1 through 4" are for the operational funding needs of all BIE Grant Schools throughout the country, including our own Pine Hill School, and request number "5" is for our increased telemedicine capacity for our own tribal health clinic:

1. **Increase Tribal Grant School Support Costs by \$23.2 million above the budget request:**  
This is the account that funds administrative costs incurred by tribes that have elected to take over operation of BIE schools on their reservations. But funding for these costs has not only failed to meet the requirements of the law, it has fallen to such a low level - *only 61% of what the law requires* - that the viability of tribally-operated schools is in jeopardy. The amount supplied in the FY 2010 budget - \$43.37 million - was even less than the amount supplied in FY 2003. For the K-12 Pine Hill School, we have had to subsidize this massive underfunding of school administrative costs. We should not have to do this, but we have no choice. Our indirect costs pool presumes that we receive 100% of the administrative costs the law requires. When we do not, which has been the case for 19 of the last 20 years, the Ramah Navajo School Board, Inc., must make up the difference. It is clear that the Obama Administration recognizes the importance to Indian self-determination of supplying needed funding for a tribe's indirect costs - called

"contract support costs." For FY 2010, the President and Congress joined to provide an enormous \$116 million *increase* for the contract support costs of tribes performing IHS contracts. But why has not this desire to meet its commitment to tribes extended to tribally-operated *school* programs? There is no justification for this disparate treatment. The President seeks \$46.37 million for Tribal Grant Support Costs, an increase of \$3 million. While we appreciate a request for a meaningful increase for the first time in nine years, it is grossly insufficient to meet our costs and will not even enable BIE to pay 65% of the statutorily-required amount. We calculate that full funding for Tribal Grant Support Costs will require \$69.6 million. Thus, we ask the Committee to recommend an increase of \$23.2 million above the budget request for Tribal Grant Support Costs.

2. Increase Indian School Equalization Funds (ISEF) budget by \$39.8 million to a total of \$431 million in order to fulfill the Federal Government's obligation to Indian children in the BIE school system: These funds support our education program, which is, of course, the core function of our school. In order to pay competitive teacher salaries and maintain student-teacher ratios required by New Mexico law, our School Board has annually contributed its ISEF funds to cover support and auxiliary cost for the past several years. Without an increase to ISEF, our school could not recruit and retain high quality personnel needed for our educational program to succeed. Key support services also require additional subsidies. For example, our food service budget, transportation, facilities and maintenance falls short of the amount needed, and we must also subsidize school security, a school nursing staff, and after-school programs. All of these costs should be the responsibility of the BIE. But the agency's budget for the Indian School Equalization Formula chronically fails to supply the level of support needed, and does not take into account the enhanced costs of operating a small school such as ours in a sparsely-populated reservation community. Over the past seven years, the ISEF budget has increased by only 13% - less than 2% per year. For FY 2011, the Administration seeks to *decrease* the ISEF budget by more than \$500,000. Instead, we urge that the ISEF budget be increased by \$39.8 million to a total of \$431 million in order to fulfill the federal government's obligation to the 42,000 Indian children in its BIE school system.
3. Student Transportation for FY 2009 (President's Request: \$46,912,000): Student transportation has a long history of being underfunded. Since 1975 until now, on the average, 90% of students attending the Pine Hill School travel by school buses on 450 miles of mainly unimproved roads of gravel or dirt. These road conditions result in much wear and tear on our bus fleet and are compounded during inclement weather. When FY 2008 transportation funding resulted in only \$2.61 per mile, this was only enough to cover 70% of our transportation needs, so we are forced to reprogram ISEP funds to offset this shortage for our transportation needs since students must first get to school and back home before any education can happen. Since the cost of fuel is rising, as is repair and maintenance, we request an increase in student transportation to reflect the \$3.10 per mile for funding of \$55,256,000. This would be getting us closer to the national average rate of \$3.58 per mile. Until we receive adequate school bus funding, we will continue to have to reprogram funds from instructional programs to pay the costs of getting students to school. Also, we do not receive any funding for extracurricular and cocurricular activities that augment our school improvement efforts, such as school field trips and athletic events.



4. College Scholarships: Any reduction in appropriations for college scholarships for American Indian students is an open invitation for increasing unemployment among our Indian youth. During the past several budget cycles, scholarship funding has steadily been reduced while the number of applicants increases. There is absolutely no logical reason to put programs such as “No Child Left Behind” in place with a federal mandate when the opportunities for attaining postsecondary education is being reduced at the same time. If our country is to sustain benefits from our youth by becoming our future leaders, it needs to provide scholarship funding that parallels the ever increasing need for college educated Indians in education, business, health, natural resources, and all other professions needed by tribes throughout the country.

The Ramah Navajo School Board is also requesting \$1 million for:

5. Telemedicine Capability (\$1 million): The Pine Hill Health Center, a tribal clinic that is part of the Indian Health Service (IHS) system, has a great need for telemedicine and associated 21<sup>st</sup> Century capabilities. Our current computer system was installed when there were only 35 staff members and 1,000 sq feet of space. Our health programs have grown over the past 35 years to meet the needs of the Navajo people in this rural area to over 70 employees and 10,000 sq ft to provide medical, emergency ambulance services, pharmacy, dental, wellness, and behavioral health services. Recruitment and retention of highly qualified medical staff and proper maintenance and replacement of equipment are extremely hard to sustain in our rural isolated community.

The telemedicine needs include replacing and enlarging the computer system that handles the patient database and financial systems. Such an overhaul will include such things as installation of equipment for federally-mandated electronic health record requirements, telehealth (video conferencing for specialist consultation on urgent patient questions, as well as psychiatric and mental health emergency consults), installation of a digital dental system, upgrading of radiology equipment to handle digital radiology and teleradiology capability, and the associated costs, i.e. routers, servers, uninterrupted power supplies, replacement of our financial management system, cabling and installation, and replacement and additional PCs.

Presently, providers rely on a “wet” film and no radiologist interpretation due to remoteness of area. The medical and dental providers currently have no electronic links to the patient records and information at other IHS facilities or to the non-IHS hospitals and doctors’ offices where referrals are made to either send or receive important diagnostic information. We currently rely on telephone, fax and postal mail communications, which cause delays in making appropriate medical decisions and delaying patient care. Another example is a referral of one of our patients for CT exam. Because we have no connectivity to these institutions we had to rely on the CT report coming by mail. Our physicians received the report three weeks later with a definitive cancer diagnosis which delayed cancer treatment by approximately one month. Lab information is often not available until the next day, whereas electronic linkages would give results within 30-60 minutes. Having immediate access to patient care information would increase the quality of care given as well as the efficiency of services.

Our request is certainly consistent with the mission and activities of the Indian Health Service, which is expanding its efforts in the area of telemedicine. IHS has requested a

\$40 million increase (for a total of \$135 million) in the area of health information technology for FY 2011 in the Hospitals and Clinics program. We also note that the IHS medical equipment account, for which the Administration requested \$23.7 million (a \$1 million increase), could be a source of funding for telemedicine equipment. We ask Congress to specify that the IHS provide increased funding to help meet the urgent telemedicine needs of the Ramah Navajo community.

**The Ramah Navajo Community.** The main Navajo Nation Reservation is spread out over Arizona, New Mexico and Utah, but the Ramah Navajo reservation area: (1) Is geographically separated from the main reservation lying 175 miles southeast in Cibola County, New Mexico. (2) Covers approximately 300 square miles in a rural, isolated high desert area (3) Has few paved roads, no business center, and the nearest towns are over 60 miles away. (4) Was ignored for most of its history by federal, state and tribal governments. (5) Began to realize that it must start exercising more self reliance in the late 1960s when the local public school was condemned, closed, and the State declined to rebuild it.

Efforts begun in the 1960s by Ramah Navajo grass roots leaders to obtain funding for their own school by traveling to Washington, D.C., to make direct appeals to congressional leaders. These efforts were successful and the construction of the community-controlled K-12 Pine Hill School was soon begun. The new Ramah Navajo School Board then acquired other much needed programs for the community, such as an IHS clinic, a radio station funded by the Corporation for Public Broadcasting, and other services. All of these efforts by the Ramah Navajo people - as well as a similar effort by another Navajo community - led to the passage of the "Indian Self-Determination and Education Assistance Act" of 1975 (Public Law 93-638), the most important congressional law in modern American Indian history.

The Ramah Navajo School Board, Inc. (RNSB) is celebrating its 40<sup>th</sup> Anniversary in 2010 in community self-determination since its founding in 1970. RNSB and the Ramah Navajo Chapter have established and continue to maintain: (1) Authority from the Navajo Nation to directly contract programs from federal and state governments; (2) Recognition by the Bureau of Indian Affairs to contract on a government-to-government relationship; and (3) Our own BIA Ramah Navajo Agency.

Today, RNSB not only operates a K-12 BIA grant school, but also over 30 other programs for the Ramah Navajo community, including, among others, a Health Clinic, Social Services, four preschool programs (Head Start, FACE, Early Intervention, and Day Care), Behavioral Health Services, Wellness Center, a Workforce Investment Act program, Adult Education, GED program, School Farm, Fair Grounds, and a Radio Station. Ramah Navajo School Board, Inc., therefore, provides most major services for the community. We have an annual operating budget of about \$17,500,000, of which roughly 80% is used for personnel costs.

Respectfully submitted,

Nancy R. Martine-Alonzo, President  
Board of Trustees, Ramah Navajo School Board, Inc.  
P.O. Box 10, Pine Hill, New Mexico 87357

505-775-3256, Fax: 505-775-3240, E-mail Contact: [oran@rnsb.k12.nm.us](mailto:oran@rnsb.k12.nm.us).



**P.O. Box 1800  
Boulder, CO  
80308**

## **Tribal Education Departments National Assembly**

### **Officers and Directors 2010**

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Jerome Jainga, *Tsimshian*

**Written Testimony of Jerome Jainga, TEDNA Board Member  
House Committee on Appropriations,  
Subcommittee on Interior, Environment, and Related Agencies,  
April 15, 2010**

### **INTRODUCTION**

The Tribal Education Departments National Assembly (TEDNA) is a member based advocacy organization for Tribal education agencies. TEDNA respectfully requests \$2 million in program funding for Tribal Education Agencies (TEAs) authorized in the No Child Left Behind Act (NCLB), Title X, Section 1140, currently codified at 25 U.S.C. § 2020 (Department of Interior).

Over 200 of the over 560 federally-recognized tribal governments have education agencies. Known as "Tribal Education Departments" (TEDs) or "Tribal Education Agencies" (TEAs), these tribal governmental agencies can help the non-tribal federal and state governments serve tribal students. Funding for TEDs / TEAs has been authorized by Congress in two separate laws:

- 1) In 1988 Congress authorized appropriations for TEDs / TEAs within the BIA budget of the U.S. Department of the Interior (Pub. L. No. 100-297, Section 5199); and
- 2) In 1994 Congress authorized appropriations for TEDs / TEAs in the budget of the U.S. Department of Education (Pub. L. No. 103-382, Section 9125).

Both of these authorizations are retained in the No Child Left Behind Act of 2001, Title X, Section 1140, currently codified at 25 U.S.C. § 2020 (Department of Interior) and Title VII, Section 7135, currently codified at 20 U.S.C. § 7455 (Department of Education). Congress, however, has never appropriated funding for TEDs / TEAs under these authorizations; and only once (FY 96) has a President's proposed budget actually requested TED / TEA appropriations. We strongly urge Congress to invest in tribal students and appropriate \$2 million for TEDs / TEAs.

### **JUSTIFICATION FOR TED / TEA FUNDING**

The amounts requested for TED appropriations are relatively small, particularly in the context of the enormity of the federal budget. Yet if funded, these modest amounts would have a significant impact on Indian education. This point is supported by the unanimous support Indian Country has shown for TED / TEA appropriations. This year TEDNA has secured resolutions in support of TED /

TEA appropriations in the FY'11 budget from the National Congress of American Indians, National Indian Education Association, United South Eastern Tribes, Great Plains Tribal Chairman Association, and the Affiliated Tribes of Northwest Indians. Further, several tribes have submitted appropriation request forms for TED / TEA program funding authorized in the NCLB to their Congressional delegation; including six out of the seven Tribes in Montana, two Tribes in Oklahoma, three Tribes in Washington, two Tribes in California, and one Tribe in Wisconsin. In addition, the National Congress of American Indians and the National Indian Education Association has made TED / TEA funding a top priority. Indian Country is unanimous in its support for TED / TEA appropriations.

## **I. What is a TED / TEA and What does it Do?**

A TED or TEA is typically an executive branch of a tribal government that has been assigned responsibility for education—much like SEAs are agencies of state governments. Over 200 tribes—located in 32 states—have TEDs / TEAs. TEDs / TEAs coordinate all education matters of a tribe. What TEDs / TEAs do varies according to each Tribe's governmental organization, laws, and resources. TEDs / TEAs serve thousands of tribal students nationwide, in BIE, tribal, and public schools. TEDs work on reservations, in urban areas, and in rural areas. They have positive impacts on early childhood, K-12, higher, and adult education.

Currently, TEDs / TEAs may perform local education agency or state education agency like functions depending upon the capacity of the particular TED or TEA. TEDs or TEAs may administer federal contract or grant programs, such as Johnson O'Malley, administer and implement the education laws and policies of the Tribe, make recommendations to the Tribal lawmakers regarding education, develop curriculum, operate teacher training programs, operate afterschool programs, and summer camps, collect and analyze data, and assess student academic progress.

Most TEDs / TEAs would like to do more but are limited by a lack of funding. Especially without regular federal financial support, TEDs for the most part do not have the ability to do all the things that Congress says they should be doing to help students and schools. In the NCLB Congress envisioned TEDs / TEAs as facilitating tribal control over the education of tribal students. Because the funding has never been appropriated, Tribal education codes, policies, and standards are not being developed or implemented. Tribal-State coordination of the various federal programs - Title I, Title III, Title VII, Impact Aid - that serve tribal students is not happening. Technical assistance and training is lacking. Programs and initiatives to increase tribal student high school graduation rates and post-secondary school readiness are not available. Most importantly, at this time of phenomenal electronic means and capabilities, accessible and usable electronic data on tribal students is not available or accurate.

As a result, the Tribal students, unfortunately, are not supported as well as they could be through the educational process – and the existing data proves this. In some states the high school dropout rate of tribal students is over 50%. In 2008, approximately 23,000 tribal students between the ages of 16 and 19 dropped out of high school. This means that for each school year roughly 5,750 tribal students from each class—freshman, sophomores, juniors and seniors—drop out of high school. The average annual income for a high school dropout in 2005 was \$17,299, compared to \$26,933 for a high school graduate, a difference of \$9,634. Thus, the high school dropout rate of tribal students represents \$221.6 million in lost wages per year. Further, Tribal students have the highest rates of absenteeism, suspension, and

expulsion. 8th-grade tribal students are 18% more likely to read or perform in mathematics at a “below basic” level than their Caucasian peers.

TEDs / TEAs are uniquely equipped to deliver educational programs tailored to improve these dire statistics. Tribes alone, however, cannot sustain and expand vital programs. Federal support is essential. The requested \$2 million for TED / TEA appropriations is a good investment in tribal students. It will improve their academic success by providing funding for tribal education agencies to operate the programs mentioned above; such as developing tribal education codes and policies, coordinate federal programs (ESEA Title I, III, VII, and Impact Aid) with the states, as well as develop programs to increase graduation rates, post-secondary school readiness, and develop electronic data regarding tribal students.

## **II. Current TED / TEA Funding**

Currently most TEDs / TEAs operate on extremely small budgets provided annually by tribal funds. They may receive limited federal funding for contract, grant, and program administration. Tribal funding, if any, may be earmarked to meet critical immediate needs such as scholarships or provide student clothing, and school supplies. This means that TEDs / TEAs do not have funds for operational expenses and staff to conduct education research and planning, or to develop tribal education initiatives and materials like truancy programs and curricula. Yet these are the core areas of education that tribes need to impact in order to “change the numbers”—i.e., to close the reported achievement gaps so that tribal students will be better equipped to perform well in school.

Tribes will continue to annually fund TEDs and TEAs, but to be effective, TEDs / TEAs need federal financial support so that they can move beyond administering scholarships and supplemental education contracts and grants. TEDs / TEAs need to be involved directly in the areas of education in which State Education Departments and Agencies are involved. These areas include setting meaningful education policies and regulations; collecting and analyzing education data; engaging in education planning; setting academic standards and developing student progress assessments; and determining what students learn and how it is taught.

It is useful to view the current state of funding for TEDs / TEAs in the context of funding currently being given to State Education Departments. Congress began funding State Education Departments in 1965 when it enacted the original Elementary and Secondary Education Act, Pub. L. No. 89-10 (See Title V, “Grants to Strengthen State Departments of Education”). Thirty years later the U.S. Government Accountability Office noted that federal funding accounted for over forty percent (40%) of funds for the general operations and staff of state education agencies and departments nationwide. U.S. GAO, Education Finance: Extent of Federal Funding in State Education Agencies, GAO/HEHS-95-3 (Oct. 14, 1995). None of this money is being directed to TEDs / TEAs, even though TEDS are critical in providing services that state education agencies are reluctant to do, such as preserving our tribal languages and cultures, and protecting tribal sovereignty over education.

## **CONCLUSION**

TEDNA strongly urges Congress to invest in tribal students and appropriate \$2 million for TEDs / TEAs for the Department of Interior.

**Roman Bitsuie, Executive Director  
Navajo-Hopi Land Commission Office, Navajo Nation**

**Testimony Before the  
House Interior Appropriations Subcommittee**

**April 15, 2010**

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**Requests:**

- **\$5 million** for housing improvements in the former Bennett Freeze Area of the Navajo Nation, out of BIA Trust Natural Resources and Housing Improvement Funds, Department of Interior
- **Establishment of a Former Bennett Freeze Area Rehabilitation Trust Fund with an FY 2011 funding level of \$10 million**
- **\$1.5 Million** for Phase II of the Navajo-Hopi Land Commission Renewable Energy Development Project, out of the budget of the Office of Navajo and Hopi Indian Relocation (which should be increased overall for this purpose), Department of Interior, or the Energy Efficiency and Renewable Energy account of the Department of Energy

**Introduction.** Thank you for this opportunity to provide testimony on what is one of the most vexing matters in modern Federal Indian policy and a true tragedy for the Navajo Nation. I am the executive director of the Navajo-Hopi Land Commission Office, an entity of the Navajo Nation. I have spent my entire adult life working to resolve the Navajo-Hopi Land Dispute and Bennett Freeze-related issues. I am from the Hardrock Chapter of the Navajo Nation in Northeastern Arizona, which was divided in half when the 1882 Executive Order area was partitioned by Congress into the Hopi Partitioned Land (HPL) and the Navajo Partitioned Land (NPL). I have seen the hardship that the relocation law and various multi-decade construction freezes have created. Every day Navajo tribal members come in to my office to tell me of the hardships that they have suffered because of the relocation law or the Bennett Freeze. The impact of these Federal actions will be with the Navajo Nation for generations to come.

In 1934, the U.S. Government clarified the western boundary of the Navajo Nation identifying an area of land as for the Navajo and "such other Indians as may already be located thereon." This language created ambiguity over ownership of the land, which was nearly entirely inhabited by Navajos. In litigation between the tribes, the Hopi sought extensive rights over the whole area. As a result, in 1966, Commissioner of Indian Affairs Robert Bennett ordered a "freeze" on development in a 1.5 million acre area in the extreme western portion of the Navajo Reservation, now called the Bennett Freeze Area. As a result of this construction freeze, the Bennett Freeze Navajos have become the "poorest of the poor." While in theory development was possible with the permission of both tribes, in reality the area was principally occupied by Navajo families and the Hopis rarely granted permission for Navajo projects. Thankfully, the two tribes reached agreement on a settlement of their disputes and last year the Congress passed



legislation striking from the U.S. Code the language which had authorized the Bennett Freeze. The agreement provided that most of the area belonged to the Navajo Nation. For the thousands of Navajo families who live there this means that the freeze served no real purpose other than to bring them misery and hardship.

**Expanding on President Obama's Request for the Bennett Freeze – Adding \$5 Million for Housing Improvements.** In his proposed FY 2011 budget, President Obama has set aside \$1.2 million “to begin development of the former Bennett Freeze area.” In the FY 2011 BIA Budget justification, the Administration notes that “[t]he Bennett Freeze was the product of a long-standing land dispute that impacted the Navajo people and prevented development of land at the Navajo Reservation for over 40 years... more than 12,000 Navajo people live in the area....During the freeze era, the Navajo people were prohibited from building new homes, schools, and health facilities; building infrastructure; and engaging in community and economic development projects, including development for grazing, energy and other land uses. The freeze influenced the Navajo people socially, economically, emotionally, physically, mentally and spiritually.” “Empowering Tribal Nations,” Departmental Highlights, 57-58.

While the President's budget request is welcome, it is intended to be spent largely on land use and agricultural purposes. While these purposes are important, the number one need in this area, based on an extensive independent study completed last year, is improved housing. For this reason, I would propose that an additional \$5 million in BIA housing funds be set aside for critical housing repairs and construction.

**This Committee should establish a trust fund for reconstruction of the former Bennett Freeze area.** For the former Bennett Freeze area to recover there must be a sustained reconstruction program implemented over a decade or more. This would be consistent with the findings of the Interior Appropriations Subcommittee of the Senate Appropriations Committee in a field hearing held in Tuba City, Arizona on July 9, 1993. Going back four decades to the “War on Poverty” and the “Great Society Program,” and continuing through numerous Federal initiatives addressing poverty and economic hardship in general, as well as programs directed at Indians in particular, this area has been effectively ineligible for aid. The results have been devastating with most homes lacking electricity and running water, limited infrastructure, few schools and, therefore, no economic development. Congress should authorize the Office of Navajo and Hopi Indian Relocation (ONHIR) to oversee reconstruction activities, with the Navajo Nation having the option of assuming control of those activities that affect Navajo people and lands, as well as the option of assuming control of the trust fund proposed above.

**Renewable Energy Development Funding in Support of Affected Navajo Families and Communities.** The Navajo Nation has begun development of the Paragon Ranch lands in New Mexico through an initiative known as the Navajo-Hopi Land Commission Renewable Energy Development Project (REDP). These lands were provided to the Navajo Nation pursuant to 25 U.S.C. Section 640d-10. Funds generated through development of these lands are to be deposited into the Navajo Rehabilitation Trust Fund, which in turn can only be used “for purposes which will contribute to the continuing

rehabilitation and improvement of the economic, educational, and social condition of families, and Navajo communities, that have been affected by” the Federal relocation law. 25 U.S.C. Section 640d-30(d). If these lands can be developed, then a vital new source of funds will be available to address the harsh impacts of the relocation law and the various construction freezes. The Navajo Hopi Land Commission Renewable Development Project is a 3 – 5 year program to construct and operate renewable energy generating facilities, using wind, concentrating solar and other renewable energy technologies.

For FY 2008, the Navajo-Hopi Land Commission received congressionally directed funds of \$300,000 towards Phase I of this project. The requested budget for the second phase of this project is \$1,500,000. The Navajo Nation will provide in-kind contributions including NHLCO staff and staff of other Navajo Nation organizations. Following development of the project strategic plan and marketing materials, funding sources to be approached include the Navajo Nation Council, State of New Mexico and Federal renewable energy programs including the Tribal Energy Development Program, private investors and private investment funds, among other sources.

Phase II funds will: support Project management and implementation team activities to development large-scale renewable energy generating facility in Bisti-Paragon area; initiate Navajo Renewable Energy capital investment/equity fund; design permit and initiate construction of (1) Bisti Renewable Energy Project Center at project site in New Mexico and (2) Navajo Nation Renewable Energy Center in Window Rock, the Navajo Nation governmental center; and initiate Navajo Nation Renewable Energy mentoring/education program. Funds are projected to be allocated to support: professional management and office management services accountable to Navajo Nation Tribal Corporation Board of Directors; technical services to support management team activities to develop and implement design plans, attain land clearances, rights of way and utility and transmission service agreements, mentoring/educational programs; office, travel and publication costs, establish and market project capital investment/equity fund; design, permit and construct first phase of Bisti Renewable Energy Project Center and project site for office, visitor center, research and development, training and residential facilities, commercial uses - on-site powered energy supplied LEED-certified building) and Navajo Nation Renewable Energy Center in Window Rock – Navajo Nation government center - business, government-relations, office, conference, training, and educational services center on-site powered LEED–certified building.

**Conclusion.** Although the Navajo-Hopi Land Dispute and the Bennett Freeze are painful issues, I thank the Committee for this opportunity to provide testimony on a path forward to assure that the many Navajo families who have suffered under these Federal actions can have hope for a better life.

**American Dental Association  
Testimony before the House Appropriations Subcommittee on  
Interior, Environment & Related Agencies**

**Dr. Mark Walker  
Chairman of the Council on Government Affairs, American Dental Association  
April 15, 2010**

Good Morning Chairman Moran, Ranking Member Simpson and Committee Members. I am Dr. Mark Walker, Chairman of the Council on Government Affairs for the American Dental Association (ADA). I am a private practicing dentist from Kent, Washington. The ADA, which represents 157,000 dentists, appreciates the opportunity to comment on the oral health issues that affect American Indians and Alaska Natives (AI/ANs), as well as the dentists and oral health care providers who serve in the Indian Health Service (IHS) and tribal dental programs.

I would first like to thank the Committee for the support that it has provided the IHS dental program. We believe that the increases in the FY 2011 budget will be instrumental in expanding the dental division's recruitment efforts to dental students, maintaining a level of dentists with advanced training to treat severe oral health care cases and providing for an electronic dental record system that should result in savings and more efficient treatment for AI/AN patients.

We are also pleased that the Administration has recommended an increase for the Division of Oral Health (DOH) to \$161,449,000 for FY 2011. However, the proposed funding level would only allow the Division to maintain its current status at a time when it urgently needs to make broader advancements into improving access to dental care and reducing the disparity of oral disease among AI/ANs.

The level of Early Childhood Caries (ECC), tooth decay, among the AI/AN children has reached epidemic proportions. ECC prevalence is about 400 percent higher in this population than for all U.S. races. Worse still, the *severity* of decay is substantially higher in AI/AN children compared to the population as a whole. Preschool children average more than 5 teeth with decay compared to 1 decayed tooth among U.S. pre-school children of all races. In many AI/AN communities, between 25–50 percent of preschool children have such extensive ECC that they require full mouth restoration under general anesthesia, compared to less than 1 percent for non-AI/AN children.

To address this situation, the IHS has instituted the Early Childhood Caries Initiative - a new program designed to promote prevention and early intervention of tooth decay in young children through an interdisciplinary approach. Components of the program include: early oral health assessments by community partners such as Head Start, the Women's, Infants, and Children's Program (WIC), nurses, doctors, and Community Health Representatives (CHRs); fluoride varnish application by these community partners and dental teams; dental sealants on primary teeth by dental teams at an early age; the use of Interim Therapeutic Restorations (ITR) to reduce the need of children having to go to the operating room to receive dental treatment; and the establishment of a national oral health surveillance system to measure the impact of this initiative. By taking this approach, the IHS is calling attention to that fact that tooth decay is a very significant health issue – not just an oral condition.

Consistent with the IHS initiative, to reduce tooth decay, the ADA hosted a Symposium on Early Childhood Caries in AI/AN children last year. Participants included tribal health officials, pediatric dentists, dental public health staff, dental researchers and consultants with direct experience with this disease. They concluded that more research needs to be done because the disease among many AI/AN children starts earlier and is often much more aggressive and destructive.

The ADA plans to continue to work with these experts and the IHS to find better ways to prevent and treat tooth decay among AI/AN children. The Association believes dental disease is preventable in the AI/AN population, but only if the IHS has sufficient funds to aggressively develop better treatment modalities and a sufficient workforce to reach every AI/AN child and their parents. We ask the committee to support the goal adopted by the Sisseton-Whapeton tribe which set a 5-year goal to have all children be caries-free when they enter school and extend it to all AI/AN children under the age of 5. We believe this program would require an additional \$50 million to expand the Service's ECC initiative and fully staff IHS and tribal sites with pediatric dentists.

For several years, the ADA has come before the Committee and shared our concerns regarding the number of dental vacancies in the IHS. Mr. Chairman, we are pleased to report that the IHS dental program is seeing improvement in reducing vacancies. Two years ago, we reported that there were over 140 dental positions open, last year that was reduced to 87. Today, the number is 55. We believe that several factors have contributed to reducing these workforce shortages.

The IHS dental recruiters have conducted an excellent campaign to attract dental students to participate in their summer extern program as a way to introduce them to the Service. In 2008, applications increased from 151 to 322 from dental students representing 49 of 56 dental schools. However, there was only enough funding to place 120 students. Thanks to this Committee's recognition of the success of this program we expect that the IHS will be able to place up to 240 applicants this summer. Experience has shown that the externs become IHS ambassadors when they return to school and we believe that this will result in more dentists applying to the IHS upon graduation. The ADA has supported the IHS extern program by providing travel support to second year dental students who provide assistance to the externs. This effort introduces additional students to career opportunities serving Native communities.

The average student debt load for dentists is \$200,000 and most begin repaying their debts soon after graduation. The IHS dental loan repayment program offers an attractive incentive for dentists to join the Service. But it is also an excellent retention tool. Many dentists who enter the IHS with loan repayment want to stay beyond their initial agreement. While on site visits to tribal programs, ADA representatives have heard from patients – especially elders - who complain that too often dentists come and go. Being able to have a sufficient workforce where dentists could provide a continuum of care to patients requires additional funding for loan repayment. Today there are 126 dentists in the IHS on loan repayment. Of those, 114 have continued their contracts beyond their initial commitment. The ADA recommends that the Committee increase the funding for dental loan repayment by \$3.5 million and designate it to be used by the Director of the IHS Headquarters Division of Oral Health. This additional funding will allow the Division to fill the remaining 55 vacancies.

The Committee should also know that because the IHS has not been able to fill all dentist vacancies, for the past four years, the ADA has coordinated the recruitment, placement and support of volunteer dentists and dental students who agree to serve for two-week assignments in Indian country. The ADA's AI/AN Dental Placement Program seeks to improve access to dental care, reduce oral health disparities, promote innovative and culturally responsive oral health care, support IHS recruitment efforts, and create meaningful volunteer opportunities for member dentists. In 2009, 29 volunteers served for 361 days at IHS/tribal clinics.

### **Health Information Technology**

The American Recovery and Reinvestment Act (ARRA) provided \$3.5 million for the IHS Electronic Dental Record (EDR). Totally the Division needs an additional \$12 million to complete the deployment of the EDR to all federal and tribal dental programs. The EDR will support program planning, evaluation, and reporting needs for the DOH. Additionally, it will provide automated patient dental records and capture dental data from patient encounters and oral examination records to support quality assurance, utilization reviews, resource allocation, clinical measures, and research. The ADA believes that IHS dental patients should have the same quality of care enjoyed by all Americans and making sure that the DOH can fully implement the EDR in a timely fashion will help to ensure that goal.

### **Continue Congressional Program to Upgrade Dental Facilities**

In 1995, the Association testified regarding the urgent need to replace and upgrade dental facilities throughout Indian Country. The Committee recognized that it was impossible to build new dental facilities but acknowledged the need for modern clinics by setting aside at least \$1 million each year to replace modular dental units. This approach has been highly successful, increasing access to care and decreasing the oral health disparity of AI/AN patients. However, it appears that for the last two years, no funding has been allocated for this project in spite of the fact that there are still at least 27 dental programs on the waiting list. We request that the Committee continue this successful program at \$1 million for FY 2011 in the facilities account.

### **Expand Dental Clinical and Preventive Support Centers**

Above I stated the ADA's concerns about early childhood caries – with special emphasis on children up to age 5. However, tooth decay among older children and adults is also a problem. An important additional component for the IHS would be to expand the existing eight dental clinical and preventive support centers. Support Center staff in this program are trained to assist in establishing and maintaining community-based programs to prevent dental disease. Their training includes:

- School-based sealant programs,
- Community water fluoridation,
- School-based fluoride mouth rinse programs,
- Community-based dental education programs, and
- Programs to prevent periodontal disease, and

In order to fully address the needs of the support centers, we recommend that the Committee increase the current funding by \$1 million to \$2.75 million and designate the funding to be used by the Director of the IHS Headquarters Division of Oral Health. This amount of funding will allow for a support center in each IHS geographic area.



## **Centers of Excellence in the IHS Division of Oral Health**

As Congress has debated health care legislation during the past year, great emphasis has been placed on making all federal health care programs effective and efficient. With that thought in mind, we are proposing that the IHS create two new Centers of Excellence:

- A Center of Excellence for Clinical Training: This center would provide for training and recertification of dental assistants (DAs). The IHS needs to train new DAs, to develop the next generation of assistants to replace those expected to retire. The center will provide online training/coursework for IHS-DOH employees, manage their Continuing Dental Education Program and manage training-related pilot projects, all of which would result in improved quality of oral health care for the AI/AN communities, and
- A Center of Excellence for Program Management: This center would provide for management training which would result in the field and area programs being more efficient and effective in meeting the oral health needs of the AI/AN population.

The ADA recommends that the Committee provide an additional \$1.5 million for start-up costs for the centers. Funding for these centers would need to be appropriated to, and controlled by, the Director of the IHS Headquarters Division of Oral Health.

## **Conclusion**

From the Association's experience of working with the IHS dental program for over 35 years, we know that adequately funding dental care can make a difference. The 1991 Oral Health Survey shows that in areas where dental care was accessible there was a:

- 14% increase in the number of children 5-19 years with no decay,
- 12% decrease in the number of children 5-19 years with high decay rates (7 or more cavities), and
- 9% decrease in the number of adults 35-44 years with periodontal disease.

It is because of these successes that we strongly believe that investing an additional \$68 million in the IHS dental program can result in better health outcomes for AI/AN patients. We believe that it can also result in cost reductions. We cannot “drill and fill” our way out of dental disease. But we can prevent it – which is a more cost efficient and better way of reducing oral disease.

Thank you for allowing the ADA to testify and highlight the needs and successes of the IHS dental program. The ADA is committed to working with you and the IHS to aggressively reduce the disparity of oral disease and care that currently exists in Indian Country.



## **COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION**

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### **TESTIMONY OF**

**The Honorable McCoy Oatman**

**Chairman, Columbia River Inter-Tribal Fish Commission**

To the

**Appropriations Subcommittee on Interior, Environment, and Related Agencies**

**United States House of Representatives**

**Regarding the Bureau of Indian Affairs Fiscal Year 2011 Budget**

**March 19, 2010**

Mr. Chairman and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2011 budget and has specifically identified two funding needs:

1) \$7,712,000 (an increase of \$3,232,000 over FY 2010 enacted) for Columbia River Fisheries Management under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation areas to restore base program funding to the Commission and the fisheries programs of its member tribes to meet management obligations, including efforts for species listed under the Endangered Species Act, and;

2) \$4,800,000 (an increase of \$680,000 over FY 2010 enacted) for U.S./Canada Pacific Salmon Treaty under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation areas to achieve base program funding adequacy and to implement new obligations under the recent agreement adopted by the U.S. and Canada under the Treaty.

The Columbia River Inter-Tribal Fish Commission (CRITFC) was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and Nez Perce Tribe. CRITFC provides coordination and technical assistance to these tribes in regional, national and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. The collective ancestral homeland of the four tribes covers nearly one-third of the entire Columbia River Basin in the United States.

In 1855, the U.S. entered into treaties with the four tribes<sup>1</sup> whereupon we ceded millions of acres of our homelands to the U.S. In return, the U.S. pledged to honor our ancestral rights, including the right to fish. Unfortunately, a perilous history brought the salmon resource to the edge of extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

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<sup>1</sup> Treaty with the Yakama Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957.

Today, the CRITFC tribes' are leaders in fish restoration efforts and work with state, federal and private entities. CRITFC's member tribes are principals in the region's efforts to halt the decline of salmon, lamprey and sturgeon populations and rebuild them to levels that support ceremonial, subsistence and commercial harvests. To achieve these objectives, the tribes' actions emphasize supplementation of natural stocks, healthy watersheds and collaborative efforts.

The programs in this testimony are carried out pursuant to the Indian Self-Determination and Assistance Act. We have successfully secured other funds to support our efforts, including funds from the Bonneville Power Administration, the Pacific Coastal Salmon Recovery Fund, and the Southern Fund of the Pacific Salmon Treaty, to name a few. Our programs are integrated as much as possible with state and federal salmon management and restoration efforts. Following several years of court supervised collaboration our member tribes have successfully forged three key 10-year agreements including a coordinated plan for salmon restoration to meet the objectives for the Biological Opinion on the Federal Columbia River Power System, while ensuring protection of our treaty reserved rights.

**Columbia River Fisheries Management Program Needs under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation:** Tribal natural resource management issues continue to increase in complexity, requiring greater data collection and more sophisticated analyses and funding has not kept pace with inflation. Funding shortfalls are undermining efforts to fulfill tribal self-determination goals for fisheries management, ESA recovery efforts, protecting non-listed species, conservation enforcement and treaty fishing access site maintenance. Since FY2003, our funding has decreased under the weight of inflation and rising operation costs. We are seeking an increase of \$3,232,000 over FY2010 for a new program base of \$7,712,000 for Columbia River Fisheries Management as explained below:

**Restore Base Program and Meet Unfunded Program Needs:**

The BIA's Columbia River Fisheries Management line item is the base funding that supports the fishery program efforts of CRITFC and the four member tribes. Unlike state fish and game agencies, the tribes do not have access to Dingell-Johnson/Pittman-Robertson or Wallop-Breaux funding. The increase will be directed to support the core functions of the fisheries management programs of the Commission's member tribes.

In 2008 CRITFC and its member tribes successfully concluded lengthy negotiations resulting in three landmark agreements: 1) a Columbia Basin Fish Accords with federal action agencies overseeing the federal hydro system in the Columbia Basin, 2) a Ten-Year Fisheries Management Plan with federal, tribal and state parties under *U.S. v OR*, and 3) a new Chinook Chapter of the Pacific Salmon Treaty.<sup>2</sup> These agreements establish regional and international commitments on harvest and fish production efforts, commitments to critical investments in habitat restoration, and resolving contentious issues by seeking balance of the many demands within the Columbia River basin. While through these agreements the Tribes have committed to substantial on-the-ground projects with some additional resources from the Bonneville Power Administration, the overall management responsibilities of the tribal programs have grown

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<sup>2</sup> See "Salmon Win A Triple Crown" at [http://www.critfc.org/text/wana\\_w09.pdf](http://www.critfc.org/text/wana_w09.pdf)

exponentially without commensurate increases in BIA base funding capacity. For example, the tribes' leadership in addressing Pacific Lamprey declines is this species' best hope for survival and recovery. The Tribes are taking the lead in developing needed lamprey management plans. The tribes are also addressing unmet mitigation obligations, such as fish losses associated with the construction of John Day and The Dalles dams.

Public safety continues to be a high priority for CRITFC and the four tribes. Tribal law enforcement infrastructure is a necessary component of fisheries management. Tribal infrastructure needs include additional conservation officers, tribal code improvements, courts and prosecutorial capacity increases, and modern detention facilities. CRITFC conservation officers are also the cornerstone of the search and rescue, and subsequently recovery efforts. In the popular and heavily used Columbia Gorge they provide the most continuous on-river presence for both the tribal and non-tribal community who depend on the river for commercial, cultural and recreational opportunities.

The Columbia River in lieu and treaty fishing access sites were authorized by Congress to fulfill the promises beginning in 1939 when the U.S. Government built the first of four federal dams that flooded traditional fishing sites and villages on the lower Columbia River. After nearly 70 years, 29 sites are in place with two more sites slated for completion in 2011 thereby fulfilling the government's pledge. Eighteen of the sites are along the Washington shores of the Columbia River between Bonneville and McNary Dams. Tribal fishers from the four tribes use the sites to support their harvest for ceremonial, subsistence and commercial purposes. The sites vary with improvements including boat launches, fish drying sheds, fish cleaning stations, and camping facilities.

Compounding the challenges in implementing tribal fish management agreements are the impacts that climate change will have on the interior Columbia Basin and the tribe's treaty resources. The University of Washington Climate Impact Group predicts new challenges to salmon management due primarily to thermal effects and runoff timing changes. The CRITFC is being asked to develop mitigation and adaptation strategies on behalf of our member tribes. CRITFC and its member tribes currently have insufficient funds to do the technical work and allow policy-level participation in the co-management arena.

The funding provided through the BIA to support tribal fishery programs is crucial to the tribes' and CRITFC's ability to successfully carry out tribal rights protection, including these agreements, by providing sound technical, scientific and policy products to diverse public and private forums. Lost buying power through rising costs, inflation and lack of pay-cost adjustments to tribal funding has further challenged us to deliver these essential services.

**U.S./Canada Pacific Salmon Treaty under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation:** For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of \$4,800,000 for BIA.

The U.S. and Canada entered into the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions. The treaty

established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. Section of the PSC annually develops a coordinated budget for tribal, state and federal programs to ensure cost and program efficiencies. Congress increased funding in 2000 in order to implement the 1999 Agreement but funding has significantly eroded since then. In 2008, the U.S. and Canada adopted a new long term Treaty agreement after nearly three years of negotiations. Both parties agreed to significant new management research and monitoring activities to ensure the conservation and rebuilding of the shared salmon resource

The \$4,800,000 provides for direct tribal participation with the Commission, panels and technical committees. The funding enables the tribes to assist in Treaty implementation and facilitates management protecting trust resources. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities. We are seeking to restore this capacity through reprogramming existing BIA funds in a manner consistent with policy and law. The FY 2011 recommended level for this program is an increase of \$680,000 over the FY 2010 enacted level. The recommendation follows the U.S. Section's recommendation, includes pay cost adjustments and brings the program back in line with previous levels of participation.

Pacific Salmon Treaty obligations add significantly to the tribes' administrative management, and research responsibilities. To effectively implement the treaty, tribal representatives must meet frequently to review technical information and develop informed policy input for use by the tribes' Pacific Salmon Commission representatives. These treaty-mandated responsibilities result in additional expenses for the tribes. Because each of the 25 tribes covered by this funding source is a separate government and manages its own fisheries, these obligations require direct tribal involvement.

The tribal management programs provide needed and beneficial and technical support to the U.S. Section. The Pacific Salmon Commission relies heavily on the various technical committees established by the Treaty. The work of these Committees is integral to the task of implementing fishing regimes consistent with the Treaty and the goals of the Parties. Numerous tribal staff appointed to these committees and all of the tribal programs generate data and research to support their efforts. For example, indicator stock tagging and escapement monitoring provides key information for estimating the parties' annual harvest rates on individual stocks, evaluating impacts of management regimes established under the Treaty, and monitoring progress toward the Chinook rebuilding program started in 1984.

**In summary**, through combined efforts of the four tribes supported by a staff of experts, we are proven natural resource managers. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of the Interior's BIA budget.

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**STATEMENT OF GOVERNOR JOHN E. ANTONIO, PUEBLO OF LAGUNA  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,  
ENVIRONMENT, AND RELATED AGENCIES ON NATIVE AMERICAN ISSUES**

April 15, 2010

Mr. Chairman and members of the Subcommittee, I am pleased to be here today to discuss Interior appropriations regarding tribal infrastructure, the BIA Laguna Agency, and tribal trust litigation. I want to thank the Chairman and the members of this Subcommittee for scheduling this hearing to consider Indian Country issues, an important part of the appropriations process.

**Introduction to the Pueblo of Laguna**

The Pueblo of Laguna, is a federally recognized sovereign Indian Tribe with a current tribal enrollment of 8,132 members. Laguna is comprised of 6 rural villages located on a 500,000-acre reservation in New Mexico. The Pueblo has a long history of modern governance; it was the first of the New Mexico's nineteen Pueblos to adopt a written Constitution, in 1908. The Laguna government has adopted legislation and policies since 1908 that guide us in every aspect of both traditional and cultural life. Laguna has grappled with decreasing federal funds and has taken on increased sovereign roles and self sufficient approaches.

The Pueblo's Constitution provides guidance for Laguna's elected Governor, Staff Officers, and Council, who govern the Pueblo. The Constitution provides for Executive, Legislative, and Judicial branches of government. Each of the Pueblo's six villages elect local officials, staff officers, and representatives on the Pueblo's governing Council. Community participation in Village meetings is mandatory and key to developing community driven policies.

The Laguna reservation borders to its east New Mexico's largest metropolitan area, which includes Albuquerque and Rio Rancho, one of the most rapidly growing cities in the United States. The Pueblo's proximity affords both challenges and opportunities that are increasingly demanding efficient and rapid governmental responses and the development of complex intergovernmental and private collaborations and negotiations.

The Laguna government employs approximately 250 individuals and provides extensive services to meet the needs of an economically divergent and growing tribal population. The Laguna population growth is estimated as high as 44% by year 2030. The Laguna government provides services that are organized into the following departments: (1) Community Health & Wellness; (2) Environmental & Natural Resources; (3) Public Works; (4) Public Safety; (5) Administrative Services; (6) Judicial Services; and (7) Education.

Within these departments, the Laguna Utility Authority is responsible for the development, maintenance and operations of water and wastewater infrastructure, including three water systems serving six villages. It provides solid waste residential and commercial services, including a transfer

station. Laguna Housing Development and Enterprise Management provides both low and moderate income housing and financial services to the Pueblo, as it constantly works to develop additional homes to meet increasing demand and address issues of overcrowded and inadequate housing throughout the Pueblo. The Laguna Department of Education administers pre-school through junior high education and an active Partners For Success and education scholarship foundation. Laguna Rainbow Center is a full service retirement and nursing care facility serving our elder community as well as nearby tribes.

### **BIA Laguna Agency Additional Funding Needs**

- New office building and furnishings, as current facilities are condemned, unhealthy, and unsafe. The Office of the Special Trustee (OST) also requires office accommodations for three employees and requests that their staff be housed in the same facility as the Laguna Agency. The Agency requires space for a total of 43 employees. Using the Department of the Interior's mandate of 200 square feet per person; the total amount of space required is 8,600 square feet;
- \$78,000 for a new Superintendent, which position has been vacant for more than four years, and a secretary;
- \$50,000 to cover a funding shortfall for one of the three existing administrative services FTEs responsible for planning, budget, finance, management, contracts, and trust funds management;
- \$60,000 for a GS-5 Forestry Technician and related expenses, to inventory, protect, conserve, develop, and utilize Laguna forest resources and assist in forest and fire management programs;
- \$50,000 for a GS-5 Realty Assistant and related expenses, to address needed tasks and research for management of approximately 500,000 acres of Laguna trust lands;
- \$20,000 for six months of funding for a Legal Administrative Specialist, to fill a position that has been vacant for over a year, to prepare and submit probate cases to the Office of Hearing and Appeals for heirship determinations and to implement the American Indian Probate Reform Act.

The specific dollar amounts add up to \$258,000, not including the new building funding request.

### **Pueblo of Laguna Additional Funding Needs**

The Pueblo of Laguna has approximately \$301 million worth of outstanding capital projects, with a funding shortfall of \$260 million. Some of the greatest expenses and greatest needs are for basic water and sewer infrastructure. A recent preliminary engineering report estimated a cost of \$24 million to upgrade the water system, which was constructed forty years ago. Improvements will include well repairs, water tank replacement and repairs, water line replacement, valve replacement, and installation of a supervisory control and data acquisition system. These improvements will drastically reduce what are now frequent water line breaks and unpredictable drops in pressure, and will ensure that community members have consistent safe drinking water supplies. Another current report estimated a cost of \$36 million to upgrade the sanitary sewer system to ensure human health and environmental protection. Sanitary sewer projects would include replacement of sewer lines, upgrades to sewer lagoons, and construction of a wastewater treatment facility to meet existing and future demands.

The Pueblo has an approximately \$35 million shortfall in transportation infrastructure needs, including redesign and replacement of an unsafe interstate interchange adjacent to an elementary school access road. The budget includes inadequate funding for maintenance of all 27,527 miles of BIA owned roads. Other critical capital needs include an early childhood education campus with facilities for pre-school through grade 8, for a cost of \$57 million, and a new justice center, integrating police, courts, and detention, for a cost of \$19 million. Both facilities would replace buildings recognized by federal agencies as unsafe. The Pueblo also is in dire need of a behavioral health and social services facility to offer services that had been provided out of what are now condemned buildings, for a cost of approximately \$2 million.

The Indian Affairs budget does not include funding for construction of new schools. Although some tribal schools received funding through ARRA, others, including the Pueblo of Laguna, did not. Additional funds are needed for construction of new schools including a new elementary school. Schools located on our tribal lands are in disrepair.

The Laguna Fire Department, one of only three native professional fire departments in the state, has requested \$3 million for a 10,000 square foot fire station, possibly combined with an Emergency Operations Center, and \$1million to increase fire and EMS staffing along with necessary apparatus, equipment and housing.

We recommend that an increased portion of funding for youth in Natural Resources go towards Tribal Youth, who are increasingly losing their connection to the land. We also recommend that a portion of the USFWS budget now in permanent appropriations go directly to tribes for their tribal fish and wildlife programs, rather than needing to go through the state to receive these funds.

Additional law enforcement and detention positions are needed to meet the recommended staffing ratios outlined in program reviews conducted by BIA. In addition to increased funds for salaries and benefits, funds are needed for operational costs for both law enforcement and detention.

The New Energy Frontier Program supports renewable energy programs on tribal lands. The Pueblo of Laguna has substantial renewable energy resources in the form of solar energy. However, given the high costs of developing renewable energy infrastructure, additional funding is needed.

The Climate Change Adaptation Program supports tribal and Bureau of Indian Affairs participation in Landscape Conservation Cooperatives. Given the potentially devastating impacts of climate change on tribal lands and cultures, it is critical that Laguna and other tribal governments be able to participate in these efforts. Additional funds are needed to support broader participation.

The Environmental Protection Agency proposed budget reflects a decrease of \$200 million in the Clean Water State Revolving Fund and Drinking Water State Revolving Funds. In the water starved southwest, protecting water quality and human health through the provision of clean and ample water supply to its people is of primary concern. Tribes are eligible for these funds, which can support critical infrastructure projects. Funding should not be decreased.

Allocation of funds for superfund sites located on Tribal lands should be upgraded to the same priority level as for superfund sites located on Federal/State lands. Hazardous waste sites, whether they are listed as Superfund sites or not, have a dramatic and negative impact on the surrounding communities funding for restoration of impacted lands should not decrease. Funding for maintaining healthy ecosystems should not be reduced. The health of these ecosystems that surround our communities has direct and indirect impacts on the health of the community.

### **Trust Litigation Concerns**

The Pueblo of Laguna urges the United States to utilize appropriated funds to quickly and honorably settle approximately 100 pending tribal breach of trust cases rather than using those funds to endlessly prolong litigation, including by discovery delays and by wastefully reasserting long-settled arguments. The Pueblo of Laguna has proposed a sound fiscal damage calculation methodology based on established requirements to avoid evidentiary problems and facilitate prompt, fair resolution of these cases.

President Obama has committed that “we are going to move forward in a fair and honest way” and “work together to settle unresolved cases” (Crow Nation, May 19, 2008). He is “committed to resolving equitably with both tribes and individual Indians litigation resulting from the past failures in the administration and accounting of their trust assets.” (2008 candidate position paper). In addition, Secretary Salazar has testified that “I am committed to ensuring that the Dep’t of Interior fulfills the trust responsibility of the United States. I will also seek to resolve the unending litigation about management of these lands and assets.” (before Senate Indian Affairs Cmte., Feb. 12, 2009).

The President’s budget requests directed in part to resolving pending tribal breach of trust cases include \$27.5 million for tribal trust accounting at DOI’s Office of Historic Trust Accounting, \$13.5 million for DOI’s Office of Trust Records to (inadequately) index inactive records sent to the American Indian Records Repository (“AIRR”), and a portion of \$68 million for the DOI Office of the Solicitor for its Indian Trust Litigation Office that is staffed by 24 attorneys.

Indeed the following statements that Congress has made about settlement of the *Cobell* lawsuit readily apply to pending tribal trust lawsuits. “Congress has long been concerned that the current and potential costs of the *Cobell* lawsuit may jeopardize DOI trust reform implementation, reduce spending on other Indian programs, and be difficult to fund.” CRS Report for Congress, Interior, Environment, and Related Agencies: FY2009 Appropriations 40 (April 25, 2008). “The [Interior Appropriations] Committee believes that these funds would have been better used to fund greatly needed health care, law enforcement and education programs in Indian country. . . . The Committee strongly suggests that the parties settle trust litigation in its entirety and finally move on to focus on the more pertinent needs in Indian Country.” H.R. Rep. No. 110-187, at 80 (2007). “Indian country would be better served by a settlement of this litigation than the expenditure of billions of dollars on an accounting. Those billions would not provide a single dollar to the plaintiffs, and would without question displace funds available for education, health care and other services.” H. R. Conf. Rep. 108-330, at 117 (2003). Thank you for your consideration of this testimony.

## **RAMAH NAVAJO CHAPTER**

**Roger Martinez**  
President

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### **Testimony of Rodger Martinez, President Ramah Navajo Chapter-Ramah Band of Navajos**

**Submitted to the US Congress  
House Appropriations Subcommittee on Interior, Environmental and Related Agencies  
Regarding the FY 2011 Bureau of Indian Affairs Budget (BIA)**

Mr. Chairman and Members of the Subcommittee:

My name is Rodger Martinez, President of the Ramah Band of Navajos. I am pleased to present this testimony on the Department of the Interior-Bureau of the Indian Affairs FY 2010 Budget. My testimony today focuses on the need for additional appropriation of **\$1,821,000.00** for FY 2011 to address the unmet needs of the Ramah Navajo Community as follow:

- 1) REQUEST: BIA Funding for the Operation of the Detention Facilities \$941,000.00**
  - a) For Increase in FY-2011 funding to the Ramah Navajo Chapter's Correctional Facility for the operation and maintenance of the correctional facility.*
  - b) That it be made part of the recurring funds under the Ramah Navajo Chapter's annual funding agreement (AFA) with the Bureau of Indian Affairs.*
- 2) REQUEST: BIA Funding for Natural Resource Training Facilities. \$600,000**
  - a) Funding to complete the Agricultural complex in the amount of \$400,000, and*
  - b) Increase staffing and operation in the amount of \$200,000 and becomes part of recurring fund with the Bureau of Indian Affairs.*
- 3) REQUEST: BIA Funding for Real Estate Unmet Infrastructure needs: \$255,000.00**
  - a) Four (4) Fire Proof Filing Cabinets: \$5,000.00*
  - b) Real Estate Services Building; 4-5 office space, meeting & filing room: \$250,00.00*
- 4) REQUEST: For Congress to initiate more funding opportunities for workforce development such as On the Job Training and job skill development.**

#### **Introduction:**

The Ramah Band of Navajos is located in west central New Mexico, geographically separated from the Navajo reservation with a population of approximately 3,500 members. The community



consists of approximately 18 X 30 miles of "checker board" land status that includes trust land and private land. The Ramah Navajo community is surrounded with approximately 900 non-Indian residents throughout the community. The Ramah Navajo Chapter is one of the 110 chapters that make up the larger Navajo Nation. Due to its geographical location, in 1984 the Ramah Navajo Chapter with the authorization of the Navajo Nation successfully contracted and operates a number of programs under P.L. 93-638 Indian Self Determination and Education Assistance Act including; Natural Resources/Agriculture, Forestry, Law Enforcement/Detention, Real Estate Services, Transportation, Facilities Management, and Water Rights and Community Planning programs. The Ramah Band of Navajos has been successfully contracting these and other educational and health programs for over 30 years in which time a government to government relationship has evolved and is recognized by the Federal government as such.

### **1. Detention Facilities:**

The current detention facility was constructed in 1975 with State of New Mexico LEA funds, as a temporary holding facility. It is a tribally owned building so no operations and maintenance dollars are received from the Bureau of Indian Affairs. The facility is comprised of approximately 2,384 sq. feet, which includes male and female cell, dispatch room, kitchen, booking room and three administrative offices. Due to a consent decree issued against the Navajo Nation jail facilities inmates from our community are no longer accepted which has forced us to house long term inmates only on short term basis. This created overcrowding of inmates and according to BIA Standards for Adult Detention facility we were only allowed to hold four (4) male inmates and two (2) female inmates. There are no secured cells for segregations, detoxification, visitation or recreation. Based on this the Ramah Navajo Chapter submitted the TARP Recovery Act Correctional Facilities proposal to the Department of Justice and was awarded a grant of \$3.8 million on September 21, 2009. A new detention facility will be built by 2011 and will need to be staffed by certified corrections personal. We will have a 24/7 schedule to maintain the facility and need to accommodate the staff training and leave requests.

### **5) REQUEST: BIA Funding for the Operation of the Detention Facilities \$941,000.00**

- a) For Increase in FY-2011 funding to the Ramah Navajo Chapter's Correctional Facility for the operation and maintenance of the correctional facility.***
  - i) Increase detention staff based on projected staffing needs of new corrections facility: Ten (10 FTE) Corrections officer, 2.5 cooks, One (1 FTE) full time Detention Director Position to oversee all detentions facilities and operations. Training, equipments, supplies for new detention officers and food for inmates.***
- b) That it be made part of the recurring funds under the Ramah Navajo Chapter's annual funding agreement (AFA) with the Bureau of Indian Affairs.***

### **2. Funding for Natural Resource Training Facilities.**

The Ramah Navajo Chapter has initiated a plan to establish a Ramah Navajo Chapter Agriculture Center within the Ramah Navajo community. The purpose of the facility is to centralize



education through trainings and workshops by bringing together various instructional resources on livestock and agriculture. The Ramah Navajo Chapter will re-assess production goals factoring in cultural and economic values and opportunities, develop quality and uniformity in livestock, re-assess our land uses and develop plans to accommodate our future plans. Intangibly, this facility will add value to livestock and agriculture production. This emphasizes the fact that raising livestock and living off the land are just as important to the Ramah Navajo people today, and in the future, just as it was in the past. The Navajo traditional lifestyle has always promoted "Green", incorporating its agriculture and livestock best practice measures that will protect and conserve "Mother Earth". With better education through training and workshops, the community members will benefit by relearning to live a healthy lifestyle through raising and producing a majority of their own food and meat for their families and others.

There are over 3000 Ramah Navajos, and another 2000 Navajo and other tribes and up to 1000 non-natives that will benefit from this project. Many of them have come to workshops and trainings that are done on a small scale due to lack of proper facilities. The ranchers will greatly benefit from this program, as they will implement better management system of their herd.

The staff will be able to incorporate a better tracking system for all the groups they work with; including the 4H Club, the Pine Hill Schools FFA, the Healthy Gardening Program and the elders who have worked alongside youth in teaching traditional practices.

***Funding request is in two folds totaling \$600,000.00***

***(1) A onetime request to complete the Natural Resource Training facilities in the amount of \$400,000.***

***(2) Reoccurring funding to increase staffing and operation for the Natural Resource Program in the amount of \$200,000.***

### **3. Real Estate Unmet Infrastructure Needs:**

The Ramah Navajo Chapter, Office of Grants and contracts and Restate Services Program worked to meet the demands and mandates of the Trust Management Reform initiative within the Bureau of Indian Affairs and Office of Special Trust. New positions were identified in 2004 and hired in 2004; however, due to lack of additional funds to cover the new positions, two were unable to continue beyond 2004. Ramah Navajo is requesting for additional funding to fulfill its obligation to the landowners, governmental entities, and private individuals for realty services. This request includes additional funding for a new building that shall be secured to prevent fire and theft of new and original trust records. We are sharing this building with another program and we are very overcrowded leaving no room for confidentiality, no filing or meeting room. Our current building is rodent infested due to shifting and cracking foundation which also allows reptiles to crawl into the walls of the building.

#### ***1) Funding Request for Real Estate Unmet Infrastructure needs:***

***a) Four (4) Fire Proof Filing Cabinets: \$5,000.00***

***b) Real Estate Services Building; 4-5 office space, meeting room & filing room:  
\$250,00.00***



**4. For Congress to initiate more funding opportunities for workforce development such as On-the-Job Training and job skill development.**

The American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law a year ago to provide funding to stimulate the economy and create jobs throughout the nation. While it may have created 2.4 million jobs credited to the Recovery Act, the reality of the matter is that Indian country continues to suffer high unemployment rate and Ramah Navajo continues to experience decades of unemployment rate as high as 70%.

The Ramah Navajo Community was fortunate and thankful to receive some stimulus funds for infrastructure development, but unfortunately it has not created sustainable employment or economic opportunities in our community. The poverty level is high in our community due to unemployment and as Tribal leaders of Ramah Navajos; we are faced with the challenges of assuring the basic needs of our community members are provided as much as possible especially to those that are depended upon federal assistance programs.

The Ramah Navajo Community does not have the resources or other revenue streams to rely on that other Tribal communities may have. Historically we have been underfunded for our education, health, housing and infrastructural development and we continue to largely rely on the State and Federal government as our only funding source.

**As President of Ramah Navajo Chapter I urge Congress to initiate more funding opportunities for workforce development such as On-the-Job Training and job skill development.**

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In closing, the Ramah Navajo Chapter is very proud to have been initially involved in Indian Self-Determination strives by establishing the Ramah Navajo School Board, Inc., which has been operating successfully in the true spirit of Indian Self-Determination for 40 years now. The Ramah Navajo Chapter appreciates the continued support of Congress as it strives to make funding and laws available for Indian Nations and their organization to provide services to their people. We would be happy to provide you with further information on any of the foregoing projects.

Respectfully Submitted:



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**Friends of Indian Health**  
**Testimony before the House Appropriations Subcommittee on**  
**Interior, Environment & Related Agencies**

**Dr. Dale Walker**

Director, One Sky National Resource Center for American Indian/Alaska Native Substance  
Abuse Services on **behalf of Friends of Indian Health**

**April 15, 2010**

Good Morning Chairman Moran, Ranking Member Simpson and Committee Members. I am Dr. Dale Walker a practicing psychiatrist and Professor of Psychiatry, Public Health and Preventive Medicine at Oregon State University. Currently, I am the Director of the One Sky Center at Oregon State University whose mission is to improve prevention and treatment of mental health and substance abuse problems and services among Native people. I am also a proud member of the Cherokee nation. I have witnessed first-hand both the importance and challenges of the Indian health care system. I am representing the Friends of Indian Health – a coalition of over 50 health organizations and individuals dedicated to improving the health care of American Indian/Alaska Natives (AI/ANs) to the highest levels.

The Friends thanks you, Mr. Chairman and the Committee, for the additional IHS funding secured in the FY 2010 appropriations bill. The increased support will help provide needed services especially for contract health services, domestic violence and methamphetamine and suicide prevention and treatment programs.

The Friends is heartened that the Administration has proposed an 8.7% increase for FY 2011 for the IHS for a total of \$4,406,429,000. This is a recognition of the great need that still exists to close the gap in disparity of disease and care for AI/AN people. However, there are still high priority areas that we believe have not been addressed and therefore recommend a budget of \$4,820,000,000.

The most urgent outstanding need of AI/ANs is contract health services. Patients requiring cancer treatments, surgeries, treatment for injuries and additional mental health services need medical care that cannot be provided in IHS or Tribal facilities. In 2008, 35,000 health care needs were denied costing over \$130 million.

The root cause for this situation lies in the IHS and Tribal delivery system. The IHS and Tribes operate at approximately 700 locations, which include 45 hospitals, only 19 of which have operating rooms. The majority of facilities mainly provide primary medical care and they must depend on the private sector for secondary and tertiary care. The need to rely on private care is not going to change; therefore, the request for contract health services funds needs to be realistic. The Administration's budget would raise this account to over \$862 million but even that amount only covers 23% of denied cases. **The IHS estimates that it needs an additional \$1.2 to \$1.6 billion to cover needed contract health services a year. To reach that goal, the IHS needs an additional \$400 million above the President's request.**

The Friends has for many years advocated for additional funding for prevention and early treatment programs to reduce the need for contract health services. But to implement them, the

IHS has to have a sufficient health care provider workforce. Currently, the IHS has 927 vacancies. This number does not include direct tribal numbers.

Filling vacancies through loan repayment has proven to be the IHS' best recruiting and retention tool. Last year the IHS had 917 requests and awarded 426 new contracts and 197 one year extensions. We are pleased to see that almost 200 providers wanted to continue their IHS service beyond their original loan repayment obligation because this helps to build a steady workforce and provides continuity for the people they serve. In fact, last year the IHS reported that the average retention period for loan repayment recipients was over 7 years.

However, within these numbers are some disappointments. The IHS had to turn away 181 applicants. The Service needed an additional \$9.3 million in loan repayment funds for those awards. Furthermore, to fund the 623 contracts they used an additional \$5 million from the hospitals and clinics account. For FY 2011, the Administration has requested only an additional \$670,000 for loan repayment – clearly not enough to cover all requests. **The Friends requests an additional \$14 million for the loan repayment account to allow the IHS to hire and keep needed health care providers.**

Before loan repayment can be offered, dedicated, qualified health care professionals have to be recruited. While some of the IHS divisions are very effective at recruitment others are not. Equally disturbing are reports that interested candidates are not pursued by the Service or, once interviewed and accepted, are not readily processed. Anecdotal accounts claim that delays in hiring can take up to six months and, as a consequence, qualified personnel take positions outside the IHS. A year ago, we raised this issue with the committee and we continue to be concerned. The Friends strongly believes that if the recruitment process were improved that it would have a positive effect on filling vacancies. **Therefore, we urge the committee to request a report from the IHS detailing current hiring practices and recommendations for streamlining and improving the process.**

IHS also needs a strong network of both clinical and support staff. These are staff members who have completed health education training and are capable of providing needed patient support and health education services. These positions are usually filled by Tribal members, providing a crucial cultural link to patients. However, the salaries offered for some of these positions are below clerical positions; a receptionist earns more than a dental assistant. An experienced nurse midwife will take a 50 percent pay cut and an experienced nurse practitioner or physician assistant will take a 30 percent cut to work in the IHS. Licensed Practical Nurses (LPNs) in Oklahoma are paid more at Wal-Mart than at an IHS facility.

This situation could be improved if the Office of Personnel Management (OPM) would release its recommendation for a new GS 600 Series pay scale, something it has been working on for seven years. **The Friends strongly urges the Committee to seek a report that determines what is the effect of the outdated 600 series pay scale and what actions by the IHS and OPM are needed to finalize a new pay scale.**

We are pleased to see that the IHS recognizes the problems created within tribal communities by alcohol and drug abuse, and has addressed this issue in this year's budget, by adding \$4 million for a new competitive IHS grant program. The funding will expand access to and improve the quality of treatment for substance abuse at sites with the greatest need. The main goal of the grant program will be to enable Indian Health Service, Tribal and Urban facilities to hire

additional staff to provide evidence-based and practice-based culturally competent treatment services. We believe that a key component for making this successful is to engage providers on all levels especially those from within the Native American Community. Without these safeguards, many Native Americans are subject to relapse due to inaccurate diagnosis, poor case management, improper treatment plan, and lack of aftercare plan.

In conclusion, the Friends is encouraged that the Administration is seeking additional funding that will help eliminate health disparities faced by AI/ANs. At the end of our statement we have included specific health statistics that if addressed would reduce the disparity of disease for AI/ANs and lead to cost savings. We encourage the Committee to do what it can to support and go beyond the Administration's FY 2011 budget proposal to assure that the IHS is fully staffed and will allow it to fulfill its mission to "raise the physical, mental, social and spiritual health of American Indians and Alaska Natives to the highest level." The Friends thanks the Committee for the opportunity to testify today. We look forward to working with you to strengthen the IHS health infrastructure and decrease mortality and morbidity rates of American Indians and Alaska Natives.

## **Appendix A**

### **Women's Health**

- Although AI/AN women across Indian country have lower cancer death rates than U.S. citizens of all races, in Alaska and the Northern Plains, the cancer death rates for AI/AN women are 22% and 42% higher, respectively, than for U.S. citizens of all races.
- The 2002 U.S. prevalence of diagnosed diabetes in women 20 and over was 7.1%. For AI/AN women, it was 15.9%, more than double, the rate. This disease increases complications in childbearing, and elevates the risk that their children will also become diabetic.

### **Children's Health**

- More than one-third of the nation's AI/AN population is under the age of 15, and the health of these children consistently lags behind other populations. For example, the SIDS rates among AI/AN infants are nearly twice that of the general population.
- AI/AN children are more than twice as likely to die in the first four years of life than the general population, and remain twice as likely to die through age 24.
- The rate of type 2 diabetes among AI/AN teens aged 15-19 has increased 109% since 1990.

### **Mental Health**

- Poverty is a significant contributing factor toward mental and substance abuse disorders. The poverty rate for AI/ANs in 2001 was 24.5 percent, compared to 7.8% for non-Hispanic whites. The median household income estimate for AI/ANs was \$32,000 compared to \$46,000 for non-Hispanic whites.
- Inadequate mental health and substance abuse services contribute to a suicide rate for AI/AN that is about 1.7 times the rate for all races in the U.S.; the suicide rate for males 15 to 34 years of age is over two times the national rate.
- The suicide rate for Indian people is 60% higher than the general population.
- Studies have shown that 69.9% of all suicidal acts (completions and attempts) in AI/AN country involved alcohol use.

### **Kidney Disease**



- American Indians have one of the highest rates of chronic, irreversible kidney failure or End Stage Renal Disease (ESRD) of any population. In 2007, the incident rate for Native Americans was 1.8 times greater than that for white Americans.
- Diabetes is the leading cause of all new cases of kidney failure for all Americans, and accounted for 54% of new ESRD patients in 2007 (all Americans). The explosion in the incidence of type 2 diabetes among American Indians is the driving force behind the AI/AN kidney disease prevalence rate.

### **Diabetes**

- Today diabetes has reached epidemic proportions among AI/ANs. According to 2005 data, 14.2% of the AI/ANs aged 20 years or older who received care from the IHS had diagnosed diabetes. After adjusting for population age differences, 16.5% of the total adult population served by IHS had diagnosed diabetes, with rates varying by region from 6.0% among Alaska Native adults to 29.3% among American Indian adults in southern Arizona.
- AI/ANs carry the heaviest burden of diabetes in the United States, suffering from among the highest rates of diabetes in the world. In some American Indian and Alaska Native communities, diabetes prevalence among adults is as high as 60%.

### **Podiatric Medicine**

- Lower extremity amputation (LEA) is one of the most disabling complications of diabetes
- More than 60% of non-traumatic lower-limb amputations occur in people with diabetes
- Each year 71,000 people lose their feet or legs to diabetes. Amputation rates among Native Americans are 3-4 times higher than the general populations.
- Comprehensive foot care programs can reduce amputation rates by 45% to 85%. (Source: CDC)

### **Vision and Eye Health**

- A recent three year study of Navajo people (the largest Native population) revealed that within the prior two years only about 33% had an eye exam and that only 20% had visual acuity good enough to qualify for a driver's license, even with their present eyeglasses.
- With the high rate of diabetes, it is imperative that timely detection and treatment be available in Indian country. Diabetic retinopathy occurs in 24.4% of Oklahoma Indians.

### **Oral Health**

- 79% of AI/AN children aged 2-5 years had a history of tooth decay
- 78% of AI/AN adults 35-44 years old and 98 % of elders 55 years or older had lost at least one tooth because of dental decay, periodontal (gum) disease or oral trauma.

### **Pharmacy**

- Pharmacists play an important role in disease state management, particularly the monitoring of patients suffering from diabetes and other chronic diseases.
- Native Americans benefit from the role of the IHS pharmacist which emphasizes proper medication management and improving patient adherence.
- Through the pharmacy residency training program, now in 17 sites, the IHS plays a significant role in the education of pharmacists interested in pursuing careers in the IHS.

### **Cardiovascular Disease (CVD)**

- While the general U.S. population has seen a 50% decline in cardiovascular mortality, the AI/AN population rates are rapidly and dramatically increasing.
- CVD is the leading cause of death among AI/ANs and is double the rate of the general U.S. population.

**Jerry Pardilla**  
**Executive Director, National Tribal Environmental Council**

**Testimony on FY 2011 Appropriations**  
**House Appropriations Subcommittee on Interior, Environment & Related Agencies**

On behalf of the National Tribal Environmental Council and our 187 member tribes, we thank you for the opportunity to provide FY 2011 funding recommendations for the Department of the Interior and other agencies under the purview of this Committee.

Founded in 1991, NTEC works with federally recognized tribes to protect tribal environments. NTEC's mission is to support Indian Tribes and Alaska Natives in protecting, regulating, and managing their environmental resources according to their own priorities and values.

Despite having some of the most pristine habitat in the U.S., tribes have been historically underfunded for wildlife and natural resource management and conservation. There are 564 federally recognized American Indian tribes and over 300 reservations in the U.S. Tribes manage 95 million acres of land, 11 million acres more than the National Park Service. Tribal lands contain more than 997,000 acres of lakes, 13,000 miles of rivers, and 18 million acres of forested lands. Tribes operate approximately 114 fish hatcheries, with many producing threatened or endangered fish species. Tribal lands provide vital habitat for more than 525 federally listed plants and animals, many of which are both ecologically and culturally significant to tribes.

**I. Bureau of Indian Affairs (BIA)**

Department of Interior Climate Change Adaptation Initiative

**Increase the Bureau of Indian Affairs' allocation of the Interior Department's Climate Change Adaptation Initiative to \$8.55 million.**

The Interior Department began a Climate Change Adaptation Initiative in September 2009, an undertaking that Indian tribes support in principle. The Administration's fiscal 2011 budget request for the initiative is \$171.3 million, an increase of \$35.4 million over 2010. The \$136 million for the initiative in 2010 did not include any funding for tribes. Despite a substantial increase in the overall funding request, the situation for tribes is nearly as bad in the 2011 budget. Of the \$171.3 million, **only** \$200,000 goes to the BIA to involve and assist Indian tribes. This is highly inequitable, especially considering the disproportionate effect of climate change on tribes and their homelands. Sovereign Indian tribes deserve a broader seat at the table in the Climate Change Adaptation Initiative and a more equitable share of the funding.

Tribal lands comprise 4 percent of the U.S. land base (tribal lands represent a higher percentage if compared to the federal lands involved in this initiative; tribal lands = 95 million acres divided by 593 million acres of federal land and tribal land = 16 percent). Given that funding for tribal natural resources has been historically underfunded and there is no federal program or funding that specifically supports tribal climate adaptation efforts, **we request that the allocation to tribes via the BIA should be increased to \$8.55 million, or 5% of DOI's Climate Change Adaptation initiative, for tribes to address and adapt to the impacts of climate change.**

To achieve this equitable increase for tribes, the money provided to the various Interior agencies for the Initiative must be reallocated. In addition, the FY 2011 BIA budget included \$19 million for FBI agents, but this does not belong in the BIA budget. While we support additional funding for tribal law enforcement needs, we know that many tribes feel it is inappropriate to allocate the funding in this manner. We suggest that the \$19 million be re-directed specifically for tribal law enforcement programs and to increase funding for tribal climate change adaptation efforts.

### Trust Natural Resources Program

#### **Maintain FY 2010 enacted amount of \$175.62 million for Bureau of Indian Affairs Trust Natural Resources Program.**

The BIA Trust Natural Resources (TNR) Program represents the largest amount of base, federal funding for tribal natural resource management. Tribes have more than \$356 million of unmet annual needs for natural resource management and conservation.<sup>1</sup> Because BIA spending on natural resources in the last 11 years has been relatively flat compared to inflation and BIA's budget has been historically inadequate to meet the natural resource needs of Indian tribes, their needs have multiplied. In addition, the U.S. Commission on Civil Rights notes, "Native American population needs have increased at a rate faster than inflation, as problems are compounded by years of neglect."<sup>2</sup> Even with the FY 2010 increase to the TNR Program, the annual unmet needs of tribes for natural resource management continue to exist and grow.

The Administration's FY 2011 request is \$17.2 million less than the FY 2010 enacted level primarily due to an \$18.6 million transfer of minerals and mining funding, what has been termed "efficiency savings," and modest decreases and increases to a variety of tribal programs. Due to the significant unmet annual needs for tribal natural resource management and the historic underfunding of tribal natural resource programs, **we request that the aforementioned \$17.2 million be reinstated and provided to BIA TNR Programs** including the Tribal Management and Development Program, Wildlife and Parks Tribal Priority Allocations, Natural Resource Tribal Priority Allocations, Water Management, Planning and Pre-Development Program, Endangered Species Program, and Rights Protection Implementation. As discussed in the previous section, it would also be possible to allocate some of the \$19 million currently proposed for FBI agents to make up for the shortfall in TNR funding for tribes.

## **II. U.S. Fish and Wildlife Service (FWS)**

### Tribal Wildlife Grants Program

#### **Increase U.S. Fish and Wildlife Service Tribal Wildlife Grants Program funding to \$8.4 million.**

Unfortunately, tribes are not eligible for funding under federal wildlife and fishery restoration programs such as the Federal Aid in Wildlife Restoration Act (Pittman-Robertson) or the Federal

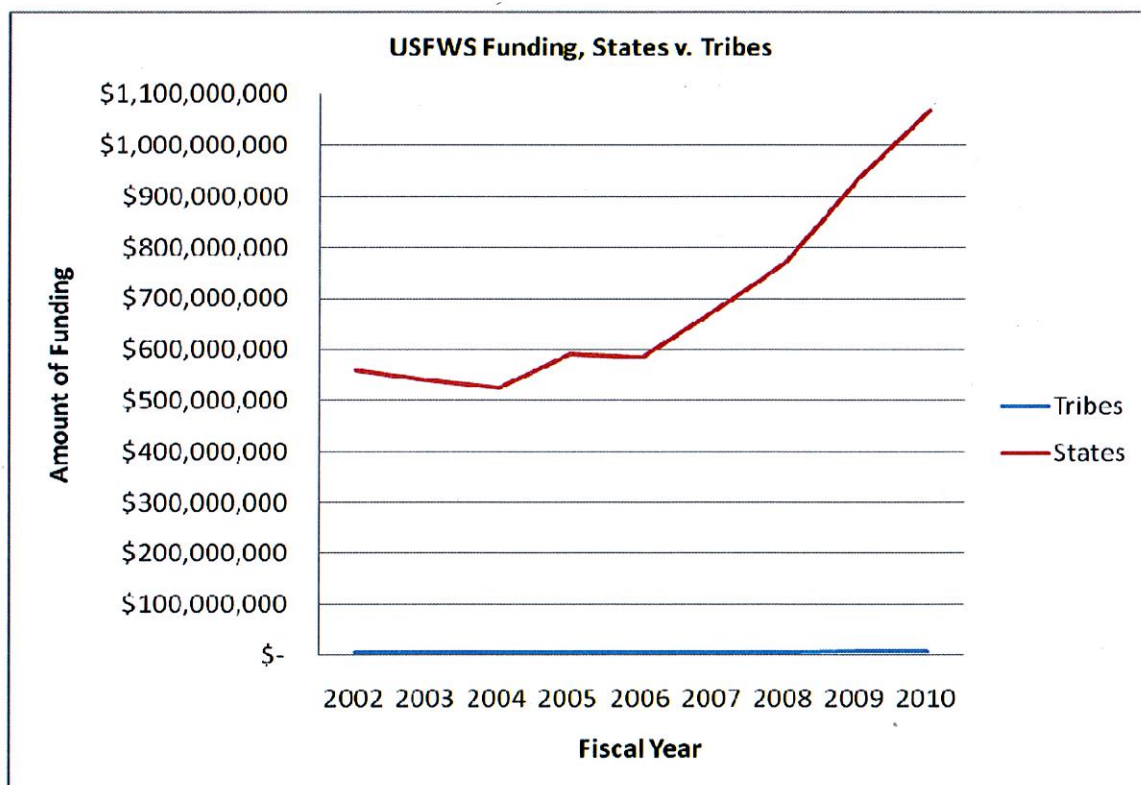
<sup>1</sup> U.S. Department of the Interior, Bureau of Indian Affairs, *Report on Tribal Priority Allocations*, July 1999, 52.

<sup>2</sup> U.S. Commission on Civil Rights, *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country* (Washington, D.C.: U.S. Commission on Civil Rights, July 2003), 11.

Aid in Sport Fish Restoration Act (Dingell-Johnson) that fund activities through an excise tax on hunting and fishing equipment. Although tribal members pay taxes that support this funding, they remain excluded from receiving the benefits and only states are allowed to access them.

In 2002, Congress authorized FWS to provide funding to tribes under the Tribal Wildlife Grant (TWG) and Tribal Landowner Incentive Programs (TLIP). Tribal proposals for support often total more than \$30 million annually. Yet these programs combined have only provided tribes an average of \$7 million dollars annually. With 564 federally recognized tribes, competition is severe and tribes rarely receive sufficient funds to fully support important conservation efforts.

In fiscal year 2007, only 38 proposals out of 110 submitted received funding under the TWG Program. In FY 2003, in the FWS Northeast Region, 9 tribes submitted TWG proposals requesting \$1.4 million, but only 4 were funded for \$481,554 (34% of the requested amount). In FY 2009, FWS only funded 41 TWG proposals out of 101 submitted, awarding \$7 million to tribes with a meager average award of \$170,000. In FY 2010, states received over \$1 billion from the Federal Aid in Wildlife Restoration Act, the Federal Aid in Sport Fish Restoration Act, and State Wildlife Grants programs. Thus, the \$7 million tribes received from the TWG program was **less than .007%** of the amount states received. From 2002-2010, states received 86 times more FWS funding than tribes for fish and wildlife conservation, or \$6.25 billion for states compared to \$72.2 million for tribes (see chart).<sup>3</sup>



<sup>3</sup> State funding includes the FWS Wildlife and Sport Fish Restoration Programs and State Wildlife Grants. Tribal funding includes the FWS Tribal Wildlife Grants and Tribal Landowner Incentive Program.

Since the inception of the TWG Program in 2002, no more than \$7 million per year has been made available on a competitive basis to the nation's 564 federally recognized tribes. At this low level of funding, very few tribes receive any TWG Program funding; those receiving TWG Program funding typically get very little; and no tribe receives sufficient funding to sustain long-term tribal wildlife and natural resource management efforts. In FY 2010, the State and Tribal Wildlife Grant Program received \$90 million, a \$15 million or 20% increase from FY 2009. Nonetheless, funding for tribes via the TWG Program remained at \$7 million, and continues at that level in the Administration's FY 2011 budget request. Tribes deserve at least the same 20 percent increase; thus **we request that TWG Program funding be increased to \$8.4 million.**

### **III. Environmental Protection Agency (EPA)**

#### Multimedia Tribal Implementation Grants Program

**Preserve the Administration's FY 2011 request of \$32.9 million for the Multimedia Tribal Implementation Grants Program.**

The Administration's FY 2011 budget request for the Environmental Protection Agency (EPA) proposes a new Multimedia Tribal Implementation Grants program to support on-the-ground implementation of environmental protection on tribal lands. This program would provide \$30 million for tribes to address their most pressing environmental needs. This program would advance negotiated environmental plans and activities on a cooperative basis between tribes and EPA, ensuring that tribal environmental priorities are adequately addressed. In addition, the Administration's FY 2011 budget request includes \$2.9 million for tribal capacity building and implementation of this new grant program. **NTEC requests that these EPA programs be funded at the proposed \$32.9 million level.**

#### General Assistance Program

**Preserve the Administration's FY 2011 request of \$71.4 million for the EPA General Assistance Program.**

Since 1992, the EPA's Indian Environmental General Assistance Program (GAP) has served a critical need in providing funding to tribes to build capacity for environmental management. The Administration's FY 2011 budget request includes a much-needed \$8.5 million increase for GAP. This requested increase will help tribal environmental programs to continue to build capacity as well as advance efforts to manage tribal environments. **NTEC requests that the EPA GAP Program be funded at the proposed \$71.4 million level.**